S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 22, 2009

Introduced by M. of A. QUINN, HAWLEY, ERRIGO, FINCH -- Multi-Sponsored by -- M. of A. BACALLES, TOWNSEND, WALKER -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to exemption from service as a juror

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 500 of the judiciary law, as amended by chapter 86 of the laws of 1995, is amended to read as follows:

S 500. Declaration of policy. It is the policy of this state that all litigants in the courts of this state entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross-section of the community in the county or other governmental subdivision wherein the court convenes; and that all eligible citizens shall have the opportunity to serve on grand and petit juries in the courts of this state, and shall have an obligation to serve when summoned for that purpose, unless EXEMPTED OR excused.

S 2. Section 509 of the judiciary law, as amended by chapter 86 of the laws of 1995, subdivision (a) as amended by chapter 520 of the laws of 1998, is amended to read as follows:

S 509. Qualification of jurors. (a) The commissioner of jurors shall determine the qualifications of a prospective juror on the basis of information provided on the juror's qualification questionnaire. The commissioner of jurors may also consider other information including information obtained from public agencies concerning previous criminal convictions. The commissioner may require the fingerprinting of all persons drawn for grand jury service. A record of the persons who are found not qualified [or who are], EXEMPTED OR excused, and the reasons therefor, shall be maintained by the commissioner of jurors. The county jury board shall have the power to review any determination of the commissioner as to qualifications, EXEMPTIONS and excuses. Such ques-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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tionnaires and records shall be considered confidential and shall not be disclosed except to the county jury board or as permitted by the appellate division.

(b) The commissioner may mail to each prospective juror the juror qualification questionnaire AND A LIST OF THE EXEMPTIONS FROM JURY SERVICE PROVIDED FOR IN THIS ARTICLE. The person to whom the questionnaire is mailed shall complete and sign it and return it to the commissioner within ten days of mailing. If the questionnaire has not been returned or properly completed, or if the commissioner otherwise determines that a personal interview is required, the commissioner may summon the prospective juror to appear before him or her for the purpose of filling out the questionnaire or being examined as to his or her competence, qualifications, eligibility and liability to serve as a juror AND TO PRESENT CLAIMS FOR EXEMPTIONS. Such person shall not be entitled to any fee or mileage when responding for such purpose. The summons may be served personally or by leaving it at the person's residence or place of business with a person of suitable age and discretion, or by mail. If served personally or by substitution the summons shall require the person summoned to attend not less than five days after service. If served by mail the summons shall require the person summoned to attend not less than eight days after mailing.

S 3. The judiciary law is amended by adding a new section 512 to read as follows:

S 512. EXEMPTIONS. (A) UPON CLAIMING EXEMPTIONS THEREFROM, A POLICE OFFICER, AS DEFINED IN SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW; A MEMBER OF A FIRE COMPANY OR DEPARTMENT DULY ORGANIZED ACCORDING TO THE LAWS OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AND PERFORMING DUTIES THEREIN; OR AN EXEMPT VOLUNTEER FIREMAN, AS DEFINED IN SECTION TWO HUNDRED OF THE GENERAL MUNICIPAL LAW, IS EXEMPT FROM SERVICE AS A JUROR.

(B) A PERSON CLAIMING TO BE EXEMPT FROM JURY SERVICE PURSUANT TO THIS SECTION SHALL FILE WITH THE COMMISSIONER OF JURORS AN AFFIDAVIT, A CERTIFICATE OR A QUESTIONNAIRE AS REQUIRED BY SUCH COMMISSIONER, STATING THE FACTS ENTITLING AN EXEMPTION. IF A PERSON CLAIMS AN EXEMPTION AND IT IS NOT GRANTED, THE CLAIM MAY BE PRESENTED TO THE COURT WHEN DRAWN FOR JURY SERVICE OR SUCH PERSON MAY SEEK TO HAVE SUCH REFUSAL REVIEWED IN THE MANNER PROVIDED BY ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 4. Section 518 of the judiciary law, as amended by chapter 86 of the laws of 1995, is amended to read as follows:

S 518. Discharge by the court. The court shall discharge a person from serving as a trial or a grand juror whenever it satisfactorily appears that he or she is not qualified OR CLAIMS THE BENEFIT OF THE EXEMPTION.

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.