# STATE OF NEW YORK

4442--B

Cal. No. 1127

2017-2018 Regular Sessions

# IN SENATE

February 15, 2017

Introduced by Sens. MONTGOMERY, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- reported favorably from said committee, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the judiciary law, in relation to providing an exemption from jury duty for breastfeeding women

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Paragraphs 1 and 2 of subdivision (a) of section 517 of the judiciary law, paragraph 1 as amended and paragraph 2 as added by chapter 86 of the laws of 1995, are amended to read as follows:

(1) Except as otherwise provided in paragraph two of this subdivision, the commissioner of jurors may, in his or her discretion, on the application of a prospective juror who has been summoned to attend, excuse such prospective juror from a part or the whole of the time of jury service or may postpone the time of jury service to a later day during the same or any subsequent term of the court**, provided that if the prospective juror is a breastfeeding mother and submits with her application a note from a physician indicating that the prospective juror is breastfeeding, the commissioner shall excuse the prospective juror or postpone the time of jury service**. The application shall be presented to the commissioner at such time and in such manner as he or she shall require, except that an application for postponement of the initial date for jury service may be made by telephone.

(2) An application for postponement of jury service shall be granted hereunder provided: (i) such service has not already been postponed or excused, (ii) the application is made at such time and in such manner as

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

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the commissioner of jurors requires, and (iii) the postponement is to a date certain when the court is in session not more than six months after the date on which such service otherwise is to commence and such date is selected by the prospective juror**, provided that if the prospective juror is a breastfeeding mother, the postponement date may be a date certain up to two years after the date on which such service otherwise is to commence**.

§ 2. This act shall take effect immediately.