STATE OF NEW YORK

8182

2023-2024 Regular Sessions

IN ASSEMBLY

October 27, 2023

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to excusing prospective jurors from jury service if they are a full-time caregiver responsible for the care of a person with a mental or physical condition that causes such person to be incapable of caring for himself or herself

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

Section 1. Subdivision (a) of section 517 of the judiciary law, as amended by chapter 86 of the laws of 1995, paragraphs 1 and 2 as amended by chapter 380 of the laws of 2019, is amended to read as follows:

(a) (1) Except as otherwise provided in paragraph two **or three** 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 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

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

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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.

(3) An application to be excused from jury service shall be granted if the prospective juror provides a written statement under penalty of perjury, in a form and manner as the commissioner of jurors shall require, that such prospective juror is a full-time caregiver responsible for the care of a person with a mental or physical condition that causes such person to be incapable of caring for himself or herself.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.