§ 527. Procedure for noncompliance. 1. The commissioner of jurors may bring a proceeding for noncompliance against any person who fails to respond to a juror qualification questionnaire pursuant to section five hundred nine of this article; or who fails to attend after having been summoned pursuant to section five hundred sixteen of this article. Such person shall be subject to a civil penalty not to exceed two hundred fifty dollars for failing to respond or attend in violation of the provisions of this article. Imposition of such penalty shall be in accordance with the provisions of this section and all penalties paid shall be the property of the state.

2. No penalty hereunder may be imposed upon any person unless it is established that he or she received the juror's qualification questionnaire or summons and unless such person is served, either personally or by first-class mail, with a notice of noncompliance. The notice of noncompliance shall be in a form prescribed by the chief administrator of the courts and shall:

(a) Describe the particular instance of noncompliance for which a penalty is sought to be imposed;

(b) Require the person served, at a time and in a manner to be specified in such notice, to respond to the notice by admitting his or her noncompliance or requesting a hearing thereon;

(c) Advise the person served that failure to respond to such notice shall be deemed an admission of noncompliance and a default judgment may be entered against such person for a penalty hereunder.

3. (a) Whenever a person served with a notice of noncompliance fails to respond to such notice or admits his or her noncompliance, the court or judicial hearing officer shall have the authority to impose a penalty in an amount not to exceed two hundred fifty dollars and shall issue an order fixing a date certain for jury service by the respondent.

(b) (i) Whenever a person served with a notice of noncompliance requests a hearing thereon, such hearing shall be scheduled and the person so notified not sooner than thirty days in advance of the hearing date.

(ii) Each hearing shall be before the court or the judicial hearing officer assigned for that purpose and shall be conducted in accordance

with procedures established by the chief administrator of the courts therefore; provided, however, that rules of evidence shall not apply except those relating to privileged communications. A judicial hearing officer so assigned may issue a subpoena to require the attendance at a hearing of persons to give testimony or to produce books, papers or other things relevant to the hearing.

(iii) Whenever a judicial hearing officer presides over a hearing hereunder he shall cause a record to be made thereof in the manner prescribed by the chief administrator.

(iv) The court or the judicial hearing officer shall determine whether, by a preponderance of the evidence presented, the charge specified in the notice of noncompliance has been sustained. Such charge may not be sustained upon a finding of undue hardship or extreme inconvenience as set forth in subdivision (c) of section five hundred seventeen of this chapter or for any other excuse based on a good and sufficient cause. If the charge is sustained the court or the judicial hearing officer shall have the authority to impose a penalty in an amount not to exceed two hundred fifty dollars and shall issue an order fixing a date certain for jury service by the respondent. If the charges are not sustained, the court or the hearing officer shall issue an order fixing a date certain for jury service by the respondent unless an affidavit is filed.

4. Failure to comply with the terms of the order shall subject the respondent to such criminal and civil penalties as may otherwise be provided by law.

5. (a) In the event an order imposes a penalty, the court or the judicial hearing officer shall have the authority to determine the amount of and to enter a civil judgment thereon. Such judgment shall be enforceable as a money judgment in any court of competent jurisdiction.

(b) (i) Notwithstanding the provisions of paragraph (a) of this subdivision, when a default judgment is sought hereunder, an affidavit shall be submitted that additional notice has been given, at least twenty days before the entry of such judgment, to the person who has failed to respond by mailing a copy of the notice of noncompliance by first-class mail to such person at his or her place of residence in an

envelope bearing the legend "personal and confidential" and not indicating on the outside of the envelope that the communication is from a court, the commissioner of jurors or any other public officer or official. In the event such mailing is returned as undeliverable by the post office before the entry of the default judgment, a copy of the notice of noncompliance shall then be mailed in the same manner to the person who has failed to respond at his or her place of employment if known.

(ii) The additional notice shall be mailed not less than twenty days after service of the notice of noncompliance pursuant to subdivision two of this section. An affidavit of mailing pursuant to this paragraph shall be executed by the person mailing the notice and shall be filed with the judgment. Where there has been compliance with the requirements of this paragraph, failure of the person to whom the additional notice is addressed to receive such additional notice shall not preclude the entry of a default judgement.

6. The commissioner of jurors shall have the authority to receive penalties imposed pursuant to this section. Such penalties shall be paid to the state commissioner of taxation and finance on a monthly basis no later than ten days after the last day of each month.