

House Bill 1323

By: Representatives Greene-Johnson of the 60<sup>th</sup>, Post 3, Forster of the 3<sup>rd</sup>, Post 1, and Thompson of the 69<sup>th</sup>, Post 1

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding juries, so as to provide a short title; to provide  
3 legislative intent; to provide for the postponement of jury service under certain  
4 circumstances; to provide for the excusing of persons for jury service under certain  
5 circumstances; to provide for the rights of persons serving on juries, including job  
6 preservation, benefits protection, length of service, frequency of service, and small business  
7 protection; to create a lengthy trial fund; to provide for funding, eligibility, and  
8 disbursements; to provide for related matters; to provide for applicability; to provide an  
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Jury Patriotism Act."

13 **SECTION 2.**

14 Article 1 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to  
15 general provisions regarding juries, is amended by striking Code Section 15-12-1, relating  
16 to exemptions from jury duty and inserting in lieu thereof a new Code Section 15-12-1 to  
17 read as follows:

18 "15-12-1.

19 ~~(a)(1) Any person who shows that he or she will be engaged during his or her term of~~  
20 ~~jury duty in work necessary to the public health, safety, or good order or who shows other~~  
21 ~~good cause why he or she should be exempt from jury duty may be excused by the judge~~  
22 ~~of the court to which he or she has been summoned or by some other person who has~~  
23 ~~been duly appointed by order of the chief judge to excuse jurors. Such a person may~~  
24 ~~exercise such authority only after the establishment by court order of guidelines~~  
25 ~~governing excuses. Any order of appointment shall provide that, except for permanently~~

1 ~~mentally or physically disabled persons, all excuses shall be deferred to a date and time~~  
 2 ~~certain within that term or the next succeeding term or shall be deferred as set forth in the~~  
 3 ~~court order.~~

4 ~~(2) Notwithstanding paragraph (1) of this subsection, any person who is a full-time~~  
 5 ~~student at a college, university, vocational school, or other postsecondary school who,~~  
 6 ~~during the period of time the student is enrolled and taking classes or exams, requests to~~  
 7 ~~be excused or deferred from jury duty shall be excused or deferred from jury duty.~~

8 ~~(3) Notwithstanding paragraph (1) of this subsection, any person who is the primary~~  
 9 ~~caregiver having active care and custody of a child under four years of age, who executes~~  
 10 ~~an affidavit on a form provided by the court stating that such person is the primary~~  
 11 ~~caregiver having active care and custody of a child under four years of age and stating~~  
 12 ~~that such person has no reasonably available alternative child care, and who requests to~~  
 13 ~~be excused or deferred shall be excused or deferred from jury duty. It shall be the duty~~  
 14 ~~of the court to provide affidavits for the purpose of this subsection It is the intent of the~~  
 15 ~~General Assembly that all qualified citizens serve on juries in this state when called~~  
 16 ~~unless such jurors are excused or their service is postponed in accordance with this~~  
 17 ~~chapter.~~

18 (b) ~~Any person who is 70 years of age or older shall be entitled to request the board of jury~~  
 19 ~~commissioners to remove such person's name from the jury list of the county. Upon such~~  
 20 ~~request the board of jury commissioners shall be authorized and directed to remove the~~  
 21 ~~person's name from the jury list. The request shall be made to the board or its clerk in~~  
 22 ~~writing and shall be accompanied by an affidavit giving the person's name, age, and such~~  
 23 ~~other information as the board may require. The board of jury commissioners of each~~  
 24 ~~county shall make available affidavit forms for the purposes of this subsection Citizens~~  
 25 ~~scheduled to appear for jury service shall have the right to postpone the date of their initial~~  
 26 ~~appearance for jury service one time only. When requested, such postponements shall be~~  
 27 ~~granted, provided that:~~

28 ~~(1) The juror has not previously been granted a postponement;~~

29 ~~(2) The juror appears in person or contacts the appropriate court official by telephone,~~  
 30 ~~electronic mail, or in writing and requests such postponement; and~~

31 ~~(3) Upon the grant of such postponement, the juror agrees to a date certain selected by~~  
 32 ~~the court on which he or she will appear for jury service that is not more than six months~~  
 33 ~~after the date on which such juror was originally called to appear and on which date such~~  
 34 ~~court will be in session.~~

35 ~~(c) A subsequent request to postpone jury service may be approved by the court only in~~  
 36 ~~the event of an extreme emergency, such as a death in the family, sudden grave illness, a~~  
 37 ~~natural disaster, or a national emergency in which the juror is personally involved, that~~

1 could not have been anticipated at the time the initial postponement was granted. Prior to  
 2 the grant of a second postponement, the juror shall agree to a date certain selected by the  
 3 court on which he or she will appear for jury service that is not more than six months after  
 4 the date on which such juror was originally called to appear and on which date such court  
 5 will be in session.

6 (d) An individual who fails to appear in person on the date scheduled for jury service and  
 7 who has failed to obtain a postponement in compliance with the provisions of this Code  
 8 section or who fails to appear on the date agreed upon as a condition of the postponement  
 9 shall be guilty of a misdemeanor of a high and aggravated nature."

### 10 SECTION 3.

11 Said article is further amended by adding new Code Sections 15-12-1.1, 15-12-1.2, and  
 12 15-12-1.3 to read as follows:

13 "15-12-1.1.

14 (a) A citizen may apply to be excused from jury duty for a period of up to 24 months  
 15 instead of seeking a postponement under Code Section 15-12-1 when either:

16 (1) The juror has a mental or physical condition that causes him or her to be incapable  
 17 of performing jury service. The juror, or the juror's personal representative, must provide  
 18 the court with documentation from a physician licensed to practice medicine verifying  
 19 that a mental or physical condition renders the person unfit for jury service for a period  
 20 of not less than the 24 month period for which the excuse is sought; or

21 (2) Jury service would cause undue or extreme physical or financial hardship to the juror  
 22 or a person under his or her care or supervision. A judge of the court for which the juror  
 23 was called for jury service shall make the determination of undue or extreme physical or  
 24 financial hardship. A juror asking to be excused based on a finding of undue or extreme  
 25 physical or financial hardship must take all actions necessary to have obtained a ruling  
 26 on that request by not later than the date on which such juror is scheduled to appear for  
 27 jury duty. Undue or extreme physical or financial hardship is limited to circumstances  
 28 in which an individual would be required to abandon a person under his or her personal  
 29 care or supervision due to the impossibility of obtaining an appropriate substitute  
 30 caregiver during the period of jury service, would incur costs that would have a  
 31 substantial adverse impact on the payment of an individual's necessary daily living  
 32 expenses or on those for whom he or she provides the principal means of support, or  
 33 would suffer physical hardship that would result in illness or disease. Undue or extreme  
 34 physical or financial hardship does not exist solely based on the fact that a juror will be  
 35 required to be absent from his or her place of employment. Persons asking a judge to  
 36 grant an excuse based upon undue or extreme physical or financial hardship shall be

1 required to provide the judge with documentation such as, but not limited to, federal and  
2 state income tax returns, medical statements from licensed physicians, proof of  
3 dependency or guardianship, and similar documents. The judge shall determine if such  
4 proof clearly supports the request to be excused. Failure to provide documentation  
5 satisfactory to the judge shall result in the denial of the request to be excused.

6 (b) After 24 months, a person excused from jury service shall become eligible once again  
7 for qualification as a juror unless the person was excused from service permanently. A  
8 person shall be excused from service permanently only when the judge determines that the  
9 underlying grounds for being excused are of a permanent nature.

10 15-12-1.2.

11 (a) *Job Preservation.* Any person who is summoned to serve as a juror and who notifies  
12 his or her employer of such summons within a reasonable period of time after receipt of a  
13 summons and prior to his or her appearance for jury duty may not be terminated,  
14 suspended, or otherwise be subject to any adverse employment action as a result of such  
15 service.

16 (b) *Benefits Protection.* An employee may not be required or requested to use annual,  
17 vacation, or sick leave for time spent responding to a summons for jury duty, time spent  
18 participating in the jury selection process, or for time spent actually serving on a jury.  
19 Nothing in this subsection shall be construed to require an employer to provide annual,  
20 vacation, or sick leave to employees under the provisions of this Code section who are  
21 otherwise not entitled to such benefits under the policies of the employer.

22 (c) *Length of Service.* Service of trial jurors shall be for no more than one court day in  
23 actual attendance unless a juror is selected to serve on a trial jury or is under consideration  
24 to serve on a trial jury and such consideration extends over a period of two or more days.  
25 Once selected, a juror shall serve on the trial jury for the duration of the trial unless  
26 excused by the presiding judge.

27 (d) *Frequency of Service.* A juror who has served on a trial jury shall not be summoned  
28 to serve again as a trial juror in any court of this state for six months following the last day  
29 of such service.

30 (e) *Small Business Protection.* A court shall automatically postpone and reschedule the  
31 service of a summoned juror of an employer with five or fewer full-time employees, or  
32 their equivalent, if another employee of that employer is summoned to appear during the  
33 same period. Such postponement shall not affect such person's right to one automatic  
34 postponement pursuant to Code Section 15-12-1.

1 15-12-1.3.

2 (a) There is created the Lengthy Trial Fund. The purpose of the fund is to provide wage  
3 replacement or supplementation to jurors who serve on trial juries after the third day of jury  
4 service.

5 (b) The Supreme Court of Georgia shall manage the Lengthy Trial Fund and shall  
6 promulgate rules and procedures for the operation of such fund. The Supreme Court shall  
7 select an administrator of the fund and provide for the accounting, auditing, and investing  
8 of the fund. The Supreme Court shall report to the General Assembly annually on the  
9 administration of the fund in its annual report, setting forth the amount of funds collected  
10 and disbursed from the fund.

11 (c) The clerk of each superior court and state court of this state is authorized to and shall  
12 charge and collect a fee of \$5.00 for the filing of each civil action and a surcharge of \$5.00  
13 to each fine imposed for a citation, accusation, or indictment for which a defendant is found  
14 guilty or enters a plea of guilty, nolo contendere, or other plea resulting in the imposition  
15 of a fine in the superior court or the state court. Such fees and surcharges shall be  
16 forwarded by the clerk to the administrator of the Lengthy Trial Fund for deposit in the  
17 Lengthy Trial Fund.

18 (d) The fees in the Lengthy Trial Fund shall be used by the superior and state courts to pay  
19 wage replacement or supplementation to any trial juror beginning on the fourth day of  
20 actual service on a trial jury. The amount paid from the fund for actual service on a trial  
21 jury on the fourth through ninth days of such service shall not exceed \$100.00 per day of  
22 service. The amount paid from the fund for actual service on a trial jury on the tenth and  
23 subsequent days of such service shall not exceed \$300.00 per day of service. The payment  
24 of such amounts may be limited in the discretion of the Supreme Court based upon the  
25 availability of financial resources in the fund. No payments shall be made to prospective  
26 jurors or jurors who are not actually selected for service on a trial jury.

27 (e) Any juror serving or who served on a trial jury that qualifies for payment from the  
28 Lengthy Trial Fund may submit a request for payment from the Lengthy Trial Fund to the  
29 administrator on a form provided by the administrator of the fund. Subject to the daily  
30 limits provided in subsection (d) of this Code section, payment shall be limited to the  
31 difference between the compensation paid to the jury pursuant to Code Section 15-12-7 and  
32 the actual amount of wages or compensation a juror earns minus any amount the juror  
33 actually receives from his or her employer or earns for such days of service. The form  
34 shall disclose the juror's regular wages or compensation, the amount the juror's employer  
35 pays or will pay for the days of jury service for which compensation is requested from the  
36 fund, the amount of replacement or supplemental wages requested, and any other  
37 information the administrator requires for proper payment. The juror shall include with

1 such application verification from the employer as to the wage or compensation  
 2 information provided to the administrator that is satisfactory to the administrator, such as  
 3 the juror's most recent earnings statement or similar document. If the juror is  
 4 self-employed or receives compensation other than wages, the juror may provide a sworn  
 5 affidavit attesting to his or her approximate gross weekly income, together with such other  
 6 information as the administrator may require, in order to verify income. The application  
 7 shall also contain a certification by the clerk of the court in which the juror served as to the  
 8 days of service and the amount of compensation paid to the juror for each day of service  
 9 on such jury.

10 (f) Upon receipt of a properly completed application with satisfactory verification of  
 11 income, the administrator shall pay the compensation requested in accordance with the  
 12 provisions of this Code section.

13 (g) The provisions of this Code section shall apply to all jurors selected to serve on a trial  
 14 jury beginning on and after January 1, 2005."

### 15 SECTION 3.

16 Said article is further amended by striking Code Section 15-12-3, relating to term of service  
 17 on jury, and inserting in lieu thereof a new Code Section 15-12-3 to read as follows:

18 "15-12-3.

19 ~~No person shall be compellable to serve on the grand or trial jury of the superior court or~~  
 20 ~~on any jury in other courts for more than four weeks in any year. No person shall be~~  
 21 ~~allowed to serve on the trial jury of the superior court or as tales juror in any criminal case~~  
 22 ~~or on any jury in other courts for more than four weeks in any one year unless he is actually~~  
 23 ~~engaged in the trial of a case when the four weeks expire, in which case he shall be~~  
 24 ~~discharged as soon as the case is decided~~ Reserved."

### 25 SECTION 4.

26 This Act shall become effective on July 1, 2004.

### 27 SECTION 5.

28 All laws and parts of laws in conflict with this Act are repealed.