

Senate Bill 523

By: Senators Johnson of the 1st, Jackson of the 50th and Balfour of the 9th

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 for juries, so as to change provisions relating to exemptions and
3 postponement of jury duty; to provide a short title; to provide a statement of policy; to
4 provide for guidelines for exemptions for jury duty; to provide for the implementation of a
5 juror management program in each state and superior court; to provide for the completion
6 of jury duty; to provide for exemptions; to change provisions relating to a juror's failure to
7 appear for jury service and create a new offense of failure to appear for jury duty; to create
8 a lengthy trial fund for certain types of cases; to provide for funding, eligibility for, and
9 administration of the lengthy trial fund; to provide for a juror's wage replacement or
10 supplementation; to provide for exceptions; to amend Code Section 34-1-3 of the Official
11 Code of Georgia Annotated, relating to discrimination against an employee for attending a
12 judicial proceeding in response to a court order or process, so as to change provisions
13 regarding a certain type of discrimination; to provide for related matters; to provide for
14 effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 This Act shall be known and may be cited as the "Patriot Jury Act."

18 **SECTION 2.**

19 It is the policy of this state that all qualified citizens have an obligation to serve on petit juries
20 when summoned by the courts of this state, unless excused.

21 **SECTION 3.**

22 Article 1 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to
23 general provisions for juries, is amended by striking Code Section 15-12-1, relating to
24 exemptions for jury duty, and inserting in lieu thereof the following:

1 "15-12-1.

2 (a)(1) Any person ~~who shows that he or she will be engaged during his or her term of~~
 3 ~~jury duty in work necessary to the public health, safety, or good order or who shows other~~
 4 ~~good cause why he or she should be exempt from jury duty~~ summoned for jury service
 5 ~~may be excused~~ have his or her service postponed by the judge of the court to which he
 6 or she has been summoned or by some other person who has been duly appointed by
 7 order of the chief judge to excuse jurors one time only. Such a person may exercise such
 8 authority only after the establishment by court order of guidelines governing ~~excuses~~
 9 postponements. ~~Any order of appointment shall provide that, except for permanently~~
 10 ~~mentally or physically disabled persons, all excuses~~ Postponements shall be granted
 11 provided that the juror has not previously been granted a postponement.

12 (2) A postponed prospective juror's service shall be deferred to a date and time certain
 13 within that term or the next succeeding term ~~or shall be deferred as set forth in the court~~
 14 ~~order~~ of court.

15 (3) A subsequent request to postpone jury service may be approved by the judge of the
 16 court to which he or she has been summoned in the event of an extreme emergency, such
 17 as a death in the family, sudden grave illness, a natural disaster, or a national emergency
 18 in which the prospective juror is personally involved, that could not have been anticipated
 19 at the time the initial postponement was granted.

20 (4) A judge of the court to which a prospective juror has been summoned shall postpone
 21 the service of a summoned juror whose employer has five or fewer full-time employees
 22 if another employee of the employer is summoned to appear during the same period.
 23 Postponement pursuant to this paragraph shall not affect the prospective juror's right to
 24 one automatic postponement pursuant to paragraph (1) of this subsection.

25 (b) A person may be excused from jury service by the judge of the court to which he or she
 26 has been summoned for a period of up to 24 months instead of seeking a postponement if:

27 (1) The prospective juror has a mental or physical condition that causes him or her to be
 28 incapable of performing jury service. The prospective juror, or someone acting on behalf
 29 of the prospective juror, shall provide the court with documentation from a physician
 30 licensed to practice medicine or a licensed psychologist verifying that a mental or
 31 physical condition renders the prospective juror unfit for jury service for the period for
 32 which the excuse is sought;

33 (2) The prospective juror ~~Notwithstanding paragraph (1) of this subsection, any person~~
 34 ~~who~~ is a full-time student at a college, university, vocational school, or other
 35 postsecondary school who, during the period of time the student is enrolled and taking
 36 classes or exams, requests to be excused or deferred from jury duty ~~shall be excused or~~
 37 ~~deferred from jury duty.;~~

1 "15-12-3.

2 (a) Not later than October 1, 2004, each state court and each superior court shall
 3 implement a juror management program pursuant to which a person shall be deemed to
 4 have fulfilled his or her jury service obligation when he or she has:

5 (1) Served on one trial until discharged;

6 (2) Been assigned on one day to one or more trial departments for jury selection and
 7 served through the completion of jury selection or until excused by the jury
 8 commissioner;

9 (3) Attended court but was not assigned to a trial department for jury selection before the
 10 end of that day;

11 (4) Served one day on call; or

12 (5) Served no more than five court days on telephone standby, if such a program exists
 13 in the county in which a prospective juror is summoned to serve.

14 (b)(1) The Supreme Court may grant an exemption from the requirements of subsection
 15 (a) of this Code section for a specified period of time if the requesting court demonstrates
 16 good cause by establishing that:

17 (A) The cost of implementing the provisions of subsection (a) of this Code section is
 18 so high that the court would be unable to provide essential services to the public if
 19 required to implement such a system; or

20 (B) The requirements of subsection (a) of this Code section cannot be met because of
 21 the size of the population in the county compared to the number of jury trials
 22 conducted.

23 (2) A requesting court shall submit an application for exemption from the provisions of
 24 subsection (a) of this Code section to the Supreme Court not later than July 1, 2004. The
 25 application shall demonstrate good cause for the exemption sought and shall include
 26 either:

27 (A) A plan to comply fully with subsection (a) of this Code section by a specified date;
 28 or

29 (B) An alternative plan that would advance the purposes of subsection (a) of this Code
 30 section to the fullest extent possible, taking into consideration the conditions in the
 31 affected county.

32 (3) If the Supreme Court finds good cause, it may grant an exemption for a limited
 33 period of time on such conditions as it deems appropriate to further the purposes of
 34 subsection (a) of this Code section.

35 (c) No person shall be compellable to serve on the grand or trial jury of the superior court
 36 or on any jury in other courts for more than four weeks in any year. No person shall be
 37 allowed to serve on the trial jury of the superior court or as tales juror in any criminal case

1 or on any jury in other courts for more than four weeks in any one year unless he or she is
 2 actually engaged in the trial of a case when the four weeks expire, in which case he or she
 3 shall be discharged as soon as the case is decided."

4 SECTION 5.

5 Said article is further amended by striking Code Section 15-12-10, relating to a juror's failure
 6 to appear, and inserting in lieu thereof the following:

7 "15-12-10.

8 Any ~~If any~~ person is drawn as a juror and duly summoned to appear as such a juror at
 9 court, or summoned as a tales juror, ~~and~~ who neglects or refuses to appear, or if any juror
 10 who absents himself or herself without leave of the court, ~~said neglect, refusal, or absence~~
 11 may, after notice and hearing, be punished as contempt of court. A second offense shall
 12 be punished as contempt of court punishable by a period of community service the length
 13 of which shall be at the discretion of the court. A third and each subsequent offense shall
 14 constitute a misdemeanor, and upon conviction thereof the offender shall be punished by
 15 a fine not to exceed \$250.00. The driver's license of a person who fails to appear at a
 16 hearing on a show cause order issued for failing to respond to a summons for jury duty
 17 may, at the court's discretion, be suspended for a period of 30 days. The court shall notify
 18 the Department of Motor Vehicle Safety in writing of the suspension."

19 SECTION 6.

20 Said article is amended further by adding a new Code section to the end of the article to read
 21 as follows:

22 "15-12-12.

23 (a) The Supreme Court of Georgia shall establish, by rules, a lengthy trial fund for state
 24 courts that shall be administered by each county that shall be used to provide wage
 25 replacement or supplementation to jurors who serve on trial juries in civil cases after the
 26 third day of jury service. The court rules shall provide for the following:

- 27 (1) The selection and appointment of an administrator for each county's lengthy trial
 28 fund;
- 29 (2) Procedures for the administration of the fund including payments of salaries of the
 30 administrator and other necessary personnel; and
- 31 (3) Procedures for the accounting, administration, auditing, and investment of money in
 32 the lengthy trial fund.

33 (b) Unless otherwise exempted by this Code section, each trial court shall collect from
 34 each attorney filing a civil case an additional filing fee of \$8.00 per case to be paid into the
 35 lengthy trial fund. A case shall be considered filed for purposes of this subsection at the

1 time the first pleading or other filing is submitted to the clerk for filing that opens a new
2 case. All fees collected by the clerk shall be forwarded to the administrator of the lengthy
3 trial fund.

4 (c)(1) As ordered by a court, the administrator shall use the fees deposited in the lengthy
5 trial fund to pay replacement or supplementation wages to any juror who would otherwise
6 be eligible to be excused from jury service pursuant to paragraph (5) of subsection (b) of
7 Code Section 15-12-1 beginning on the fourth day of jury service. The amount paid from
8 the lengthy trial fund shall not exceed the amount needed to relieve the financial hardship
9 and in no event shall exceed \$100.00 per day per juror.

10 (2) As ordered by a court, the administrator shall use the fees deposited in the lengthy
11 trial fund to pay replacement or supplementation wages, not to exceed \$300.00 per day
12 per juror, to any juror beginning on the tenth day of jury service.

13 (3) The court may, in its discretion, limit the amount of disbursements from the lengthy
14 trial fund based on the availability of resources.

15 (d) Any juror who qualifies for payment from the lengthy trial fund may submit a request
16 for payment from the lengthy trial fund on a form provided by the administrator. The form
17 shall disclose the juror's regular wages, the amount the employer paid the juror during the
18 term of jury service, the amount of replacement or supplementation wages requested, and
19 any other information the administrator deems necessary to process the request. Prior to
20 payment from the lengthy trial fund, the juror shall submit verification of wage information
21 from his or her employer, including but not limited to, the juror's most recent earnings
22 statement. If a juror is self employed or receives compensation other than wages, the juror
23 may provide a sworn affidavit attesting to his or her approximate gross weekly income
24 together with any other information requested by the administrator to verify the juror's
25 income. Replacement or supplementation wage payments shall be limited to the difference
26 between the state paid jury fee and the actual amount of wages a juror earns, up to the
27 maximum level of payment, less any amount the juror actually receives from his or her
28 employer during the same period.

29 (e) The following persons and causes of action are exempt from payment of the lengthy
30 trial fee:

31 (1) Government attorneys appearing in the course of their official duties;

32 (2) Pro se litigants;

33 (3) Cases filed in magistrate court; or

34 (4) Claims seeking disability determinations, recoupment actions for government backed
35 educational loans or mortgages, child custody or child support cases, actions brought in
36 forma pauperis, and any other filing designated by the Supreme Court rule that involves
37 minimal use of court resources and that is customarily not tried by a jury."

SECTION 7.

Code Section 34-1-3 of the Official Code of Georgia, relating to discrimination against an employee for attending a judicial proceeding in response to a court order or process, is amended by striking said Code section and inserting in lieu thereof the following:

"34-1-3.

(a) It shall be unlawful for any employer or the agent of such employer to discharge, discipline, or otherwise penalize an employee because the employee is absent from his or her employment for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee at the judicial proceeding. An employer shall not require or request an employee to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury. Nothing in this subsection shall be construed to require an employer to provide annual, vacation, or sick leave to employees who otherwise are not entitled to these types of benefits under company policies. It shall be unlawful for any employer or the agent of such employer to threaten to take or communicate an intention of taking any action declared to be unlawful by this subsection.

(b) Any employer or agent of such employer who violates subsection (a) of this Code section shall be liable to the injured employee for all actual damages thereby suffered by the employee and for reasonable attorney's fees incurred by the employee in asserting a successful claim under this Code section.

(c) This Code section shall not apply to an employee who is charged with a crime, nor shall it prohibit an employer from requiring an employee to abide by regulations requiring reasonable notification to an employer of the employee's expected absence or delay in reporting to work in order to attend a judicial proceeding."

SECTION 8.

Section 4 of this Act shall become effective on October 1, 2004. All other sections of this Act shall become effective on July 1, 2004, and apply to all cases filed or tried on or after July 1, 2004.

SECTION 9.

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