

SECOND REGULAR SESSION

# HOUSE BILL NO. 2648

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MITTEN.

6631H.021

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury service by members of the general assembly.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 494.430, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 494.430, to read as follows:

494.430. 1. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

(1) Any person who has served on a state or federal petit or grand jury within the preceding two years;

(2) Any nursing mother, upon her request, and with a completed written statement from her physician to the court certifying she is a nursing mother;

(3) Any person whose absence from his or her regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;

(4) Any person upon whom service as a juror would in the judgment of the court impose an undue or extreme physical or financial hardship;

(5) Any person licensed as a health care provider as such term is defined in section 538.205, but only if such person provides a written statement to the court certifying that he or she is actually providing health care services to patients, and that the person's service as a juror would be detrimental to the health of the person's patients;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (6) Any employee of a religious institution whose religious obligations or constraints  
17 prohibit their serving on a jury. The certification of the employment and obligation or constraint  
18 may be provided by the employee's religious supervisor.

19 **2. If a current member of the general assembly is summoned for jury service during**  
20 **a legislative session, such member shall receive an extension upon the member's written**  
21 **notice to the clerk of the court indicating he or she is a current member of the general**  
22 **assembly and that the general assembly is in legislative session. Any legislative extension**  
23 **under this subsection shall not exceed six months.**

24 **3.** A judge of the court for which the individual was called to jury service shall make  
25 undue or extreme physical or financial hardship determinations. The authority to make these  
26 determinations is delegable only to court officials or personnel who are authorized by the laws  
27 of this state to function as members of the judiciary.

28 [3.] **4.** A person asking to be excused based on a finding of undue or extreme physical  
29 or financial hardship must take all actions necessary to have obtained a ruling on that request by  
30 no later than the date on which the individual is scheduled to appear for jury duty.

31 [4.] **5.** Unless it is apparent to the court that the physical hardship would significantly  
32 impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460 undue  
33 or extreme physical or financial hardship is limited to circumstances in which an individual  
34 would:

35 (1) Be required to abandon a person under his or her personal care or supervision due  
36 to the impossibility of obtaining an appropriate substitute caregiver during the period of  
37 participation in the jury pool or on the jury; or

38 (2) Incur costs that would have a substantial adverse impact on the payment of the  
39 individual's necessary daily living expenses or on those for whom he or she provides the  
40 principal means of support; or

41 (3) Suffer physical hardship that would result in illness or disease.

42 [5.] **6.** Undue or extreme physical or financial hardship does not exist solely based on  
43 the fact that a prospective juror will be required to be absent from his or her place of  
44 employment.

45 [6.] **7.** A person asking a judge to grant an excuse based on undue or extreme physical  
46 or financial hardship shall provide the judge with documentation as required by the judge, such  
47 as, but not limited to, federal and state income tax returns, medical statements from licensed  
48 physicians, proof of dependency or guardianship, and similar documents, which the judge finds  
49 to clearly support the request to be excused. Failure to provide satisfactory documentation shall  
50 result in a denial of the request to be excused. Such documents shall be filed under seal.

51            [7.] **8.** After two years, a person excused from jury service shall become eligible once  
52 again for qualification as a juror unless the person was excused from service permanently. A  
53 person is excused from jury service permanently only when the deciding judge determines that  
54 the underlying grounds for being excused are of a permanent nature.

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