

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 538
Judicial Proceedings

(Senator Ramirez, *et al.*)

Courts - Jury Service - Excusal

This bill establishes that an individual may be excused from jury service if the individual is (1) a primary caregiver for a minor younger than the age of six and unable to find child care for that minor; (2) a breast-feeding mother; or (3) a parent currently on paternity or maternity leave.

Fiscal Summary

State Effect: Any reprinting costs for revised jury questionnaires and computer reprogramming costs are assumed to be minimal and absorbable within existing budgeted resources of the Judiciary.

Local Effect: Any minimal increase in circuit court expenditures is not anticipated to materially impact local government finances.

Small Business Effect: None.

Analysis

Current Law: A jury judge, or, if a county's jury plan allows, its jury commissioner, may disqualify, excuse, or exempt an individual who is summoned for jury service, or reschedule jury service. To be excused, an individual must show, on a juror questionnaire, during an interview, or by other competent evidence that extreme inconvenience, public necessity, or undue hardship requires excusal.

An individual may be excused only for the period that the judge or jury commissioner considers necessary and not more than twice unless the jury judge finds that the individual has shown an extraordinary circumstance that requires an additional excuse.

Once this period expires, a jury commissioner must again summon the individual for jury service.

Background: In Virginia, a person who has legal custody of and is necessarily and personally responsible for a child or children age 16 or younger is exempt from jury service on request. Breast-feeding mothers are also exempt on request. According to the National Conference of State Legislatures, as of 2011 (the latest information readily available), at least 11 other states exempt breast-feeding mothers from jury duty.

Local Expenditures: Local governments are responsible for the postage associated with sending jury summonses. This bill likely requires circuit courts to increase the number of summons that are sent to account for a larger number of people who may request to be excused from jury service and still guarantee a sufficient number of people from which a jury is chosen. For example, according to the Judiciary, approximately 700 to 800 jurors are already summoned for every court day to cover the need for jurors in Baltimore City. Accordingly, local government expenditures increase minimally for additional postage costs. The bill may also increase the workload of jury staff, who have to secure sufficient documentation from individuals requesting excusal. For example, jury staff will need to require documentation from an individual requesting an excusal as a primary caregiver in order to determine the efforts the individual has made to find child care. Finally, jurisdictions that support their own jury management system may have minimal computer reprogramming costs and reprinting costs. However, any minimal increase in expenditures or workload is not anticipated to materially impact local government finances.

Additional Information

Prior Introductions: None.

Cross File: HB 439 (Delegate Summers, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), National Conference of State Legislatures, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2014
mc/kdm

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510