

FIRST REGULAR SESSION

# HOUSE BILL NO. 595

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE DEEKEN.

Read 1<sup>st</sup> time February 21, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1677L.011

---

### AN ACT

To repeal sections 494.430, RSMo, and to enact in lieu thereof one new section relating to persons excused from jury service.

---

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Section A. Section 494.430, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 494.430, to read as follows: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

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

(4) Any person licensed to engage in and actively engaged in the practice of medicine, osteopathy, chiropractic, **funeral directing**, dentistry or pharmacy, 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, **or by certifying in writing that the person serves the public in such a capacity that the person's service as a juror would be detrimental to the public safety, health, welfare, or interest.**

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.

17           2. A judge of the court for which the individual was called to jury service shall make  
18 undue or extreme physical or financial hardship determinations. The authority to make these  
19 determinations is delegable only to court officials or personnel who are authorized by the laws  
20 of this state to function as members of the judiciary.

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

24           4. For purposes of sections 494.400 to 494.460 undue or extreme physical or financial  
25 hardship is limited to circumstances in which an individual would:

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

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

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

33           5. Undue or extreme physical or financial hardship does not exist solely based on the fact  
34 that a prospective juror will be required to be absent from his or her place of employment.

35           6. A person asking a judge to grant an excuse based on undue or extreme physical or  
36 financial hardship shall be required to provide the judge with documentation, such as, but not  
37 limited to, federal and state income tax returns, medical statements from licensed physicians,  
38 proof of dependency or guardianship, and similar documents, which the judge finds to clearly  
39 support the request to be excused. Failure to provide satisfactory documentation shall result in  
40 a denial of the request to be excused. Such documents shall be filed under seal.

41           7. After two years, a person excused from jury service shall become eligible once again  
42 for qualification as a juror unless the person was excused from service permanently. A person  
43 is excused from jury service permanently only when the deciding judge determines that the  
44 underlying grounds for being excused are of a permanent nature.