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MEMO



Senate of Pennsylvania

December 9, 2010

TO: ALL SENATORS

FROM: Stewart J. Greenleaf *Stewart*

SUBJECT: Cosponsorship -- Exemptions from jury duty

I am introducing legislation which will incorporate into one bill provisions from three bills from last session: **Senate Bill 347**, amending section 4503 of the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to exempt from jury duty persons 75 years of age or older who wish to be excused; **Senate Bill 627**, amending section 4503 to exempt from jury duty federal and state judges; and **House Bill 2221**, amending section 4503 to exempt from jury duty persons who have previously served a full term on a statewide investigating grand jury who wish to be excused.

At least twenty-six states exempt elderly persons from serving on juries and many of the other states are considering legislation to do the same. Generally, states have set the age qualifying for the exemption at 65, 70 or 75. For example, in West Virginia the age is 65, in Maryland the age is 70, and in New Jersey the age is 75.

This legislation was suggested by a 79 year old constituent who complained that he needed documentation from his doctor of "undue hardship" to be excused from jury duty and who reported that his 85 year old friend also was summoned for jury duty. While many elderly persons may be able and willing to serve on juries, it seems only fair to give our most elderly citizens the ability to be excused from jury duty.

The legislation allows Pennsylvania judges and magisterial district judges, and judges of the United States as defined under federal law, to request an exemption if they are called for jury duty. Currently, federal law exempts all public officials, including federal and state judges, from jury duty in the federal courts. *See* 28 U.S.C. § 1863(b)(6)(iii). However, no federal or state statute similarly exempts judges from state jury service.

The bill brings the state court system into parity with the federal court system. More importantly, the legislation prevents a waste of judicial resources. Judges who take the time to report for jury service are rejected in the vast majority of instances. Judges serve their communities when they preside over their courtrooms far more than when they appear for jury service, only to be rejected.

To date, fifteen states have enacted similar legislation: Alaska, Connecticut, Florida, Hawaii, Indiana, Maine, Minnesota, Missouri, Nebraska, New Hampshire, Oklahoma, Rhode Island, South Carolina, Tennessee, and Virginia.

The Twenty-Sixth Statewide Investigating Grand Jury recently recommended "that Pennsylvania law be amended to exempt or excuse from jury duty persons who have completed service on a Statewide investigating grand jury." The grand jury recognized the following concerns: "length of service, distance from homes, absence from families, and the financial impact of such service." This exemption recognizes the extraordinary commitment investigating grand jury members must make over several months to complete their work on a statewide investigating grand jury.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.