

SUBJECT: Raising jury service exemption from age 65 to 70

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 8 ayes — Thompson, Hartnett, Crabb, Garcia, Luna, Shields, Solis, Zbranek
1 nay — Clark

SENATE VOTE: On final passage, Local and Uncontested Calendar, March 13 — 31-0

WITNESSES: (*On House companion, HB 517*)
For — Shearn Smith, American Bar Association

Against — None

BACKGROUND : Current law provides exemptions from jury service for persons older than 65 years of age, certain persons with young children, students, primary caretakers of invalids and employees of the Senate, House of Representatives or other office of the legislative branch.

DIGEST: SB 551 would raise to 70 the age at which persons could claim exemption from jury duty.

The bill would take effect September 1, 1997.

SUPPORTERS SAY: SB 551 would significantly add to the pool of available jurors by raising the exemption age for jury service. Age 65 no longer is a magic number indicating old age and inability to participate in normal activities. Senior citizens are living longer productive lives and are willing and able to serve on juries if given the opportunity. Persons older than 65 are useful and knowledgeable citizens capable of participating in legal proceedings. Those seniors who for health reasons could not serve on a jury would still be able to claim the current hardship, which has been broadly interpreted by the courts to apply to both caretakers of disabled persons and to invalids.

OPPONENTS SAY: SB 551 could jeopardize the right of senior citizens younger than 70 to be exempted from jury duty because of health reasons. Many persons between the ages of 65 and 70 are vibrant, energetic citizens and fully capable of

serving on juries. However, many are not. It would be wrong to create a blanket requirement that these individuals serve, putting the onus on them to prove incapacity.