



SENATE BILL 250: Records of Excusals for Jury Duty.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 9, 2019
Introduced by:	Sens. Krawiec, Sanderson, Burgin	Prepared by:	Jessica Sammons*
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 250 would allow a chief district court judge to delegate hearing jury excuses to the clerk of court, require clerks to maintain records of individuals asking to be excused from jury duty due to disqualification, and, in some instances, share those records with the State Board of Elections.*

CURRENT LAW: Chapter 9 of the General Statutes governs the process of summoning prospective jurors for trials of cases in superior and district courts, including the compilation of a jury list and the selection of jurors.

G.S. 9-6 allows a chief district court judge to delegate the authority to receive, hear, and pass on applications for excuses from jury duty, to another district court judge.

BILL ANALYSIS:

Section 1 would allow a chief district court judge to delegate authority to the clerk of superior court to approve requests to be excused from jury service.

Section 2 would make conforming changes to reflect that the clerk is included in the list of possible designees to hear requests to be excused from jury duty.

Section 3 would add a new section to Article 1 of Chapter 9 of the General Statutes requiring the following:

- The name and address of each person who requests to be excused from jury duty due to being unqualified to serve be retained by the clerk of superior court for the remainder of the biennium.
- The person's name, address, reason for excusal, and the date of the excusal be provided by the clerk of superior court to the county board of elections and the State Board of Elections if the person is excused from jury duty as a result of not being qualified to serve and the reason for the disqualification is also a sufficient basis to make the person ineligible to vote.
- The clerk would retain the records for the remainder of the biennium.
- The State Board of Elections would retain the electronic records for two years.
- The records of juror excusals are not public record unless (i) the reason for excusal is due to lack of qualification as a juror, and (ii) the reason for disqualification is a sufficient basis to make the person ineligible to vote.

Section 4 would cite the newly created section in the statute requiring the clerk to keep a record of excusals from jury duty.

Section 5 would direct the Administrative Office of the Courts to adopt rules to implement the provisions of the act.

Karen Cochrane-Brown
Director



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919-733-2578

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EFFECTIVE DATE: This act would become effective January 1, 2020.

BACKGROUND: Qualifications of prospective jurors under **G. S. 9-3** that overlap with qualifications to vote under **G. S. 163A-841** are related to age, citizenship, residency, and criminal history.

G. S. 9-3. Qualifications of prospective jurors.

- Qualified jurors must:
 - Be a U.S. citizen.
 - Be a resident of the county where the summons was issued.
 - Be at least 18 years old.
 - Be physically and mentally competent.
 - Be able to understand English.

- Qualified jurors must NOT:
 - Have served as a juror during the previous two years.
 - Have served a full term as a grand juror in the last six years.
 - Have a felony conviction unless citizenship rights have been restored. (Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is needed.)

G. S. 163A-841. Qualifications to vote; exclusion from electoral franchise.

- Qualified voters must:
 - Be a U.S. citizen.
 - Be registered to vote.
 - Be a resident of the county, and prior to voting in an election, must have resided at his or her residential address for at least 30 days prior to the date of the election.
 - Be at least 18 years old, or will be at the time of the next general election, or be at least 16 years old and understand that you must be at least 18 years old on Election Day of the general election in order to vote.
 - Rescind any previous registration in another county or state.

- Qualified voters must NOT:
 - Be serving a sentence for a felony conviction (including probation or on parole).

**Jennifer Bedford, counsel to Senate Judiciary, substantially contributed to this summary.*