



# SENATE BILL 250: Records of Excusals for Jury Duty.

2019-2020 General Assembly

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<b>Committee:</b>	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 26, 2019
<b>Introduced by:</b>	Sens. Krawiec, Sanderson, Burgin	<b>Prepared by:</b>	Brad Krehely
<b>Analysis of:</b>	Third Edition		Committee Co-Counsel

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**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. The provisions would address all of the following:

- **Excusal from Jury Duty Because the Person is Not Qualified to Serve under G.S. 9-3-** The clerk of superior court would be required to retain the name and address of each person who requests to be excused from jury duty because the person is not qualified to serve, along with the reason for the request. The clerk would be required to maintain the records for the remainder of the biennium.
- **Disqualification from Jury Duty Because of Citizenship, Residency, or Criminal History-** If a person is disqualified from jury duty due to citizenship, residency, or criminal history, the clerk of superior court would be required to record the name, address provided, reason for the disqualification, and the date of disqualification. The clerk also would be required to report this information electronically to the State Board of Elections (State Board) quarterly, and the State Board would have to retain the electronic record for two years. The State Board would be required use this information to conduct efforts to remove names from the list of registered voters under G.S. 163-877.

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- 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 3.5** would require the State Board to distribute to the county board of elections the names on the report of individuals registered to vote in that county who were excused from jury duty based on disqualification due to citizenship, residency, or criminal history. Each county board of elections would be required to use the report in efforts to remove ineligible voters from official lists of eligible voters.

This section would provide that upon receipt of notice of excusal from jury duty based on criminal history, the county board can remove the person's name from its registration records after 30 days' written notice to the voter at the voter's registration address and upon no objection from the voter. The county board would be required to remove a person from its list if the registrant is included on a report of excusals from jury duty based on disqualification due to residency outside of the county and the county board has verified that the person resides outside the county.

**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.

**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.

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- 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 and Jessica Sammons, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.*