Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 77

SENATE BILL 1248

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-115; AMENDING SECTION 21-202, ARIZONA REVISED STATUTES; AMENDING LAWS 2003, CHAPTER 200, SECTION 13; PROVIDING FOR THE DELAYED REPEAL OF SECTION 12-115, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO JURY SERVICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 12, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 12-115, to read:

12-115. Additional filing, appearance and answer or response fees; deposit

A. IN ADDITION TO ANY OTHER ASSESSMENT AUTHORIZED BY LAW, THE SUPREME COURT SHALL ESTABLISH AN ADDITIONAL FEE ON EACH FILING, APPEARANCE AND ANSWER OR RESPONSE FEE CHARGED BY A CLERK OF THE SUPERIOR COURT.

B. THE CLERK SHALL COLLECT THE ADDITIONAL FEE AND MONTHLY REMIT THE ADDITIONAL FEES TO THE COUNTY TREASURER. THE COUNTY TREASURER SHALL TRANSMIT THE FEES TO THE STATE TREASURER ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH FOR DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE ARIZONA LENGTHY TRIAL FUND ESTABLISHED BY SECTION 21-222. THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

C. THE ADDITIONAL FEE MAY BE DEFERRED OR WAIVED PURSUANT TO SECTIONS 12-302 AND 12-304.

D. IN ESTABLISHING THE ADDITIONAL FEES UNDER SUBSECTION A OF THIS SECTION, THE SUPREME COURT MAY DESIGNATE BY RULE THAT THE ADDITIONAL FEES NOT BE IMPOSED ON FILINGS IN CASES THAT INVOLVE MINIMAL USE OF COURT RESOURCES OR THAT ARE NOT AFFORDED THE OPPORTUNITY FOR A TRIAL BY JURY.

Sec. 2. Section 21-202, Arizona Revised Statutes, is amended to read:

21-202. Persons entitled to be excused from jury service

A. It is the policy of this state that all qualified citizens have an obligation to serve on juries when summoned by the courts of this state, unless excused.

B. On timely application to the court, the following persons shall be excused temporarily from service as a juror if the judge or jury commissioner finds that any of the following applies:

1. The prospective juror has a mental or physical condition that causes the juror to be incapable of performing jury service. The juror or the juror's personal representative shall provide to the court or jury commissioner a medical statement from a physician who is licensed pursuant to title 32, A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 25 or a registered nurse practitioner who is licensed pursuant to title 32, chapter 15 that explains an existing mental or physical condition that renders the person unfit for jury service. If a prospective juror does not have a physician, A PHYSICIAN ASSISTANT or a registered nurse practitioner, the prospective juror or the juror's personal representative shall provide a sworn statement from a professional caregiver for the prospective juror that is deemed acceptable by the court or jury commissioner and that explains the mental or physical condition that renders the prospective juror incapable of performing jury service. For the purposes of this paragraph:

(a) The statement shall be in writing and shall contain a description and duration of any mobility restrictions, the specific symptoms that make

the prospective juror mentally or physically unfit for jury service and their duration, the employment status of the prospective juror and the printed name, signature, professional license number if applicable, area of specialty and contact information of the authorizing physician, PHYSICIAN ASSISTANT, registered nurse practitioner or professional caregiver.

(b) A form that complies with this paragraph shall be made available at courthouses, the Arizona medical board website, THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS WEBSITE, THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS WEBSITE, the board of nursing website and other appropriate locations that are identified by the court or jury commissioner.

(c) These documents are not public records and shall not be disclosed to the general public.

2. Jury service by the prospective juror would substantially and materially affect the public interest or welfare in an adverse manner.

3. The prospective juror is not currently capable of understanding the English language.

4. Jury service would cause undue or extreme physical or financial hardship to the prospective juror or a person under the prospective juror's care or supervision. For the purposes of this paragraph:

(a) A judge or jury commissioner of the court for which the person was called to jury service shall determine whether jury service would cause the prospective juror undue or extreme physical or financial hardship.

(b) A person who requests to be excused under this paragraph shall take all actions necessary to obtain a ruling on the request before the date on which the person is scheduled to appear for jury duty.

(c) Undue or extreme physical or financial hardship is limited to the following circumstances in which a person:

(i) Would be required to abandon a person under the potential juror's care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.

(ii) Would incur costs that would have a substantial adverse impact on the payment of the person's necessary daily living expenses or on those for whom the potential juror provides regular employment or the principal means of support.

(iii) Would suffer physical hardship that would result in illness or disease.

(d) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.

(e) A person who requests to be excused under this paragraph shall provide the judge or jury commissioner with documentation that supports the request to be excused, such as federal and state income tax returns, payroll records, medical statements from physicians licensed pursuant to title 32, PHYSICIAN ASSISTANTS LICENSED PURSUANT TO TITLE 32, CHAPTER 25 or registered

nurse practitioners licensed pursuant to title 32, chapter 15, proof of dependency or guardianship or other similar documents. The judge or jury commissioner may excuse a person if the documentation clearly supports the request to be excused. These documents are not public records and shall not be disclosed to the general public.

5. The prospective juror is a peace officer who is certified by the Arizona peace officer standards and training board and who is employed as a peace officer by this state or any political subdivision of this state. The employer of a peace officer shall not in any way influence the peace officer to make or not to make an application to the court, pursuant to this section, to be excused from jury service.

6. A judge or jury commissioner of the court for which the person was called to jury service excuses the prospective juror for good cause based on a showing of undue or extreme hardship under the circumstances, including being temporarily absent from the jurisdiction or a lack of transportation.

C. Notwithstanding subsection B, a prospective juror who is at least seventy-five years of age may submit a written statement to the court requesting that the person be excused from service. The prospective juror may request to be excused temporarily or permanently. On receipt of the request, the judge or jury commissioner shall excuse the prospective juror from service.

D. A person who is excused temporarily pursuant to this section becomes eligible for qualification as a juror when the temporary excuse expires unless the person is permanently excused from jury service.

E. A person may be permanently excused only if the deciding judge or jury commissioner determines that the underlying grounds for being excused are permanent in nature or the person is permanently excused under subsection C.

F. If the judge, jury commissioner or jury manager permanently excuses the person from jury service, the person shall be notified that the person is permanently excused.

Sec. 3. Laws 2003, chapter 200, section 13 is amended to read:

Sec. 13. Delayed repeal

~~A. Section 12-115, Arizona Revised Statutes, as added by this act, is repealed on December 31, 2013.~~

~~B.~~ Section 21-222, Arizona Revised Statutes, as added by this act, is repealed ~~on July 1, 2014~~ FROM AND AFTER JUNE 30, 2019.

Sec. 4. Delayed repeal

Section 12-115, Arizona Revised Statutes, as added by this act, is repealed from and after December 31, 2018.

Sec. 5. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR APRIL 17, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2014.

Passed the House April 16, 2014,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

With Emergency

Speaker of the House

Chief Clerk of the House

Passed the Senate March 6, 2014,

by the following vote: 25 Ayes,

0 Nays, 5 Not Voting

with emergency

President of the Senate

Susan Dawes

Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

16th day of April, 2014,

at 4:15 o'clock P M.

Lindsay Scommegna

Secretary to the Governor

Approved this 17th day of

April, 2014,

at 10:23 o'clock A. M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18th day of April, 2014,

at 8:10 o'clock a M.

Ken Bennett

Secretary of State

S.B. 1248