

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 250
PROPOSED COMMITTEE SUBSTITUTE S250-PCS45272-TT-20

Short Title: Records of Excusals for Jury Duty.

(Public)

Sponsors:

Referred to:

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF DESIGNATED TO BY THE CHIEF DISTRICT COURT JUDGE, AND TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE RETAINED BY THE CLERK OF SUPERIOR COURT FOR THE REMAINDER OF THE BIENNIUM AND IN SOME CASES SHARED WITH THE BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 9-6 reads as rewritten:

"§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.

...

(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby ~~he or the chief or any~~ district court judge of ~~his district court district designated by him, the district,~~ prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. The chief district court judge, after consultation with and the consent of the clerk, may also delegate the authority to receive, hear, and pass applications for excuses from jury duty to the clerk of superior court. In counties located in a district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the chief district judge may assign the duty of passing on applications for excuses from jury service to the administrator. In all cases concerning excuses, the clerk of court or the trial court administrator shall notify prospective jurors of the disposition of their excuses.

...."

SECTION 2. G.S. 9-6.1 reads as rewritten:

"§ 9-6.1. Requests to be excused.

(a) Any person summoned as a juror who is a full-time student and who wishes to be excused pursuant to G.S. 9-6.1(b1) [G.S. 9-6(b1)] or who is 72 years or older and who wishes to be excused, deferred, or exempted, may make the request without appearing in person by filing a signed statement of the ground of the request with the chief district court judge of that district, or the district court ~~judge or judge,~~ trial court administrator designated administrator, or clerk of superior court, if so delegated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date ~~upon which~~ the person is summoned to appear.

(b) Any person summoned as a juror who has a disability that could interfere with the person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may



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1 make the request without appearing in person by filing a signed statement of the ground of the
2 request, including a brief explanation of the disability that interferes with the person's ability to
3 serve as a juror, with the chief district court judge of that district, or the district court ~~judge or~~
4 ~~judge, trial court administrator-administrator, or clerk of superior court if so designated by the~~
5 chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date
6 ~~upon which~~ the person is summoned to appear. ~~Upon~~ At the request of the court, medical
7 documentation of any disability may be submitted. Any privileged medical information or
8 protected health information described in this ~~section shall be~~ section is confidential and shall be
9 and is exempt from the provisions of Chapter 132 of the General Statutes or any other provision
10 requiring information and records held by State agencies to be made public or accessible to the
11 public.

12 (c) A person may request either a temporary or permanent exemption under this section,
13 and the ~~judge-judge, clerk of court,~~ or trial court administrator may accept or reject either in the
14 exercise of discretion conferred by G.S. 9-6(b), including the substitution of a temporary
15 exemption for a requested permanent exemption. In the case of supplemental jurors summoned
16 under G.S. 9-11, notice may be given when summoned. In case the chief district court judge, or
17 the ~~judge-judge, clerk of court,~~ or trial court administrator designated by the chief district court
18 judge pursuant to G.S. 9-6(b), rejects the request for exemption, the prospective juror shall be
19 immediately notified by the trial court administrator or the clerk of court by telephone, letter, or
20 personally."

21 **SECTION 3.** Article 1 of Chapter 9 of the General Statutes is amended by adding a
22 new section to read:

23 **"§ 9-6.2. Records of excusals from jury duty based on disqualification.**

24 (a) The name and address of each person who requests to be excused from jury duty on
25 the basis that the person is not qualified to serve as a juror under G.S. 9-3, along with the reason
26 for that request, shall be retained by the clerk of superior court for the remainder of the biennium.
27 The records retained by the clerk are not public records under G.S. 132-1.

28 (b) If a person is disqualified from jury duty due to age, citizenship, residency, or criminal
29 history, the clerk of superior court shall record the person's name, address provided, reason for
30 disqualification, and the date of disqualification and report this information electronically to the
31 local board of elections and the State Board of Elections quarterly, for the purposes listed in
32 G.S. 163A-877. The State Board of Elections shall retain the electronic record for two years. The
33 clerk of superior court may destroy the records at the end of each biennium.

34 (c) Nothing in this section should be construed to restrict the authority of a local board
35 of elections or the State Board of Elections to determine a person's eligibility to vote."

36 **SECTION 4.** G.S. 9-6(e) reads as rewritten:

37 "(e) The judge shall inform the clerk of superior court of persons excused under this
38 section, and the clerk shall keep a record of excuses separate from the master jury ~~list~~ list in
39 accordance with G.S. 9-6.2."

40 **SECTION 5.** The Administrative Office of the Courts shall amend the Rules of
41 Recordkeeping to include procedures to implement the provisions of G.S. 9-6.2, as enacted by
42 Section 3 of this act.

43 **SECTION 6.** This act becomes effective January 1, 2020.