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HOUSE BILL NO. 1814

Offered January 9, 2019

Prefiled December 31, 2018

A BILL to amend and reenact §§ 8.01-341.1 and 8.01-341.2 of the Code of Virginia, relating to deferral of jury service; persons who have legal custody of and are responsible for the care of a child.

Patron—Hope

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-341.1 and 8.01-341.2 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-341.1. Exemptions from jury service upon request.

Any of the following persons may serve on juries in civil and criminal cases but shall be exempt from jury service upon his request:

~~1. through 3. [Repealed.]~~

4. A mariner actually employed in maritime service;

~~5. through 7. [Repealed.]~~

8. 2. A person who has legal custody of and is necessarily and personally responsible for a child or children 16 years of age or younger requiring continuous care by him during normal court hours, ~~or any~~ unless such person's jury service is deferred pursuant to § 8.01-341.2;

3. Any mother who is breast-feeding a child;

9. 4. A person who is necessarily and personally responsible for a person having a physical or mental impairment requiring continuous care by him during normal court hours;

~~10. 5. Any person over 70 years of age;~~

~~11. 6. Any person whose spouse is summoned to serve on the same jury panel;~~

~~12. 7. Any person who is the only person performing services for a business, commercial or agricultural enterprise and whose services are so essential to the operations of the business, commercial or agricultural enterprise that such enterprise must close or cease to function if such person is required to perform jury duty;~~

~~13. 8. Any person who is the only person performing services for a political subdivision as a firefighter, as defined in § 65.2-102, and whose services are so essential to the operations of the political subdivision that such political subdivision will suffer an undue hardship in carrying out such services if such person is required to perform jury duty;~~

14. 9. Any person employed by the Office of the Clerk of the House of Delegates, the Office of the Clerk of the Senate, the Division of Legislative Services, and the Division of Legislative Automated Systems; however, this exemption shall apply only to jury service starting (i) during the period beginning 60 days prior to the day any regular session commences and ending 30 days after the day of adjournment of such session and (ii) during the period beginning seven days prior to the day any reconvened or special session commences and ending seven days after the day of adjournment of such session;

~~15. 10. Any general registrar, member of a local electoral board, or person appointed or employed by either the general registrar or the local electoral board, except officers of election appointed pursuant to Article 5 (§ 24.2-115 et seq.) of Chapter 1 of Title 24.2; however, this exemption shall apply only to jury service starting (i) during the period beginning 90 days prior to any election and continuing through election day, (ii) during the period to ascertain the results of the election and continuing for 10 days after the local electoral board certifies the results of the election under § 24.2-671 or the State Board of Elections certifies the results of the election under § 24.2-679, or (iii) during the period of an election recount or contested election pursuant to Chapter 8 (§ 24.2-800 et seq.) of Title 24.2. Any officer of election shall be exempt from jury service only on election day and during the periods set forth in clauses (ii) and (iii); and~~

~~16. 11. Any member of the armed services Armed Services of the United States or the diplomatic service of the United States appointed under the Foreign Service Act (22 U.S.C. § 3901 et seq.) who will be serving outside of the United States at the time of such jury service.~~

§ 8.01-341.2. Deferral or limitation of jury service for particular occupational inconvenience or for persons who have legal custody and are responsible for a child.

The court, at the request of a person selected for jury service or on its own motion, may exempt any person from jury service for a particular term of court, or limit that person's service to particular dates

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59 of that term, if serving on a jury during that term or certain dates of that term of court (i) would cause  
60 such person a particular occupational inconvenience or (ii) takes place during a period described by  
61 subdivision 2 of § 8.01-341.1. ~~Any~~ Unless otherwise provided by law, such person who is selected for  
62 jury service, and who is exempted under the provisions of this section, shall not be discharged from his  
63 obligation to serve on a jury, but such obligation shall only be deferred until the term of court next after  
64 (a) such particular occupational inconvenience shall end or (b) such period described by subdivision 2 of  
65 § 8.01-341.1 ends. For purposes of this section, "occupational inconvenience" includes inconvenience to  
66 a person who, during the term of court for which such person is selected for jury service, is enrolled as  
67 a full-time student at an accredited public or private institution of higher education and who is attending  
68 classes at such institution during such term. *The provisions of this section shall not interfere with the*  
69 *exemption available under subdivision 2 of § 8.01-341.1.*