

A bill for an act

relating to courts; providing jury service postponement procedures; protecting small businesses; providing grounds for excuse from jury service; establishing maximum length of jury service; providing for contempt of court for failure to appear; making available supplemental compensation to jurors on lengthy trials; amending Minnesota Statutes 2006, sections 593.42, subdivision 4; 593.48; 593.50, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 593.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[593.325] POSTPONEMENT OF JURY SERVICE.**

Subdivision 1. **Procedure for postponement.** Any person scheduled to appear for jury service may request a postponement of the date of the initial appearance for jury service. When requested, postponements shall be granted, provided that:

(1) the person has not previously been granted a postponement;

(2) the person appears in person or contacts the court administrator by telephone, electronic mail, or in writing to request a postponement; and

(3) prior to the grant of a postponement with the concurrence of the court administrator, the person fixes a date certain on which the person will appear for jury service that is not more than six months after the date on which the person originally was called to serve and on which date the court will be in session.

Subd. 2. **Subsequent postponements.** A subsequent request to postpone jury service may be approved by a judicial officer only on the basis of an extraordinary event, such as a death in the family, sudden grave illness, or a natural disaster or a national emergency in which the prospective juror is personally involved, that could not have been anticipated at the time the initial postponement was granted. Prior to the grant of a second postponement, the prospective juror must fix a date certain on which the individual

will appear for jury service within six months of the postponement on a date when the court will be in session.

Subd. 3. **Small business protection.** A court shall automatically postpone and reschedule the service of a summoned juror who is employed by an employer who employs five or fewer full-time employees, or their equivalent, if another employee of that employer is summoned to appear during the same period. The postponement shall not effect a postponement under subdivision 1.

Sec. 2. [593.335] EXCUSE FROM JURY SERVICE.

Subdivision 1. **Grounds for excuses from service.** (a) A person may apply to be excused from jury service for a period of up to 24 months when either:

(1) the person has a mental or physical condition that causes the person to be incapable of performing jury service. The person or the person's representative must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of up to 24 months; or

(2) jury service would cause undue or extreme physical or financial hardship to the person or a person under the person's care or supervision.

(b) A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary.

(c) A person asking to be excused based on a finding of undue or extreme physical or financial hardship must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty.

Subd. 2. **Hardship defined.** For purposes of this section, "undue or extreme physical or financial hardship":

(1) is limited to circumstances in which a person would:

(i) be required to abandon a person under the person's personal 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) incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom the person provides the principle means of support; or

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

(2) does not exist solely based on the fact that a person would be required to be absent from the person's place of employment.

Subd. 3. **Documentation required.** A person asking a judge to grant an excuse based on "undue or extreme physical or financial hardship" shall be required to provide the judge with documentation, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused. Documents submitted pursuant to this section are not public records and shall not be disclosed to the general public.

Subd. 4. **Return to jury pool.** After 24 months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

Sec. 3. [593.345] TERM OF SERVICE.

Subdivision 1. **Maximum term.** (a) In counties with a population of 100,000 or more, a term of service must not exceed one week or the completion of one trial, whichever is longer. However, no person is required to continue to serve after the person has reported to the courthouse for one day or after the completion of the trial on which the juror is sitting, whichever is longer.

(b) In counties with a population of less than 100,000, a term of service must not exceed one month. However, no person is required to continue to serve after the person has reported to the courthouse for five days or after the completion of the trial on which the juror is sitting, whichever is longer.

Subd. 2. **Exemption procedure.** The Supreme Court may grant an exemption from the requirements of subdivision 1 for a specified period of time to district courts in counties with populations of less than 100,000 if the district court demonstrates good cause by establishing that:

(1) the cost of implementing a one-day/one-trial system is so high that the district court would be unable to provide essential services to the public if required to implement such a system; or

(2) the requirements of this rule cannot be met because of the size of the population in the county compared to the number of jury trials.

Subd. 3. **Alternative plan.** Any application for exemption from the requirements of subdivision 1 shall demonstrate good cause for the exemption sought and shall include either:

(1) a plan to fully comply with subdivision 1 by a specified date; or

(2) an alternative plan that would advance the purposes of this section to the extent possible, given the conditions in the county.

Subd. 4. **Limit on exemption.** If the Supreme Court finds good cause, it may grant an exemption for a limited period of time and on such conditions as it deems appropriate. The term of jury service for all courts shall be the shortest period that is consistent with the needs of justice. However, in no case shall a person be required to continue to serve after the person has reported to the courthouse for ten days or after the completion of the trial on which the juror is sitting, whichever is longer.

Sec. 4. Minnesota Statutes 2006, section 593.42, subdivision 4, is amended to read:

Subd. 4. **Failure to appear.** Any person summoned for jury service who fails to appear as directed shall be ordered by the court to appear and show cause for failure to comply with the summons. Absent a showing of good cause for noncompliance with the summons, the juror ~~is guilty of a misdemeanor~~ shall be held in contempt of court and shall be fined not more than \$500. In addition to, or in lieu of, the fine, the court may order the juror to complete a period of community service for a period no less than if the person would have completed jury service and provide proof of completion of this community service to the court. Any person summoned for jury service who intentionally misrepresents a material fact for the purpose of avoiding or securing jury service is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 2006, section 593.48, is amended to read:

593.48 COMPENSATION OF JURORS AND TRAVEL REIMBURSEMENT.

Subdivision 1. **Juror compensation.** A juror shall be reimbursed for round-trip travel between the juror's residence and the place of holding court and compensated for required attendance at sessions of court and may be reimbursed for additional day care expenses incurred as a result of jury duty at rates determined by the Supreme Court. A juror may request reimbursement for additional parking expenses incurred as a result of jury duty, in which case the reimbursement shall be paid and the juror's compensation for required attendance at sessions of court shall be reduced by the amount of the parking reimbursement. Except in the Eighth Judicial District where the state shall pay directly, the compensation and reimbursement shall be paid out of the county treasury upon receipt

of authorization to pay from the jury commissioner. These jury costs shall be reimbursed monthly by the Supreme Court upon submission of an invoice by the county treasurer. A monthly report of payments to jurors shall be sent to the jury commissioner within two weeks of the end of the month in the form required by the jury commissioner.

Subd. 2. **Lengthy trial fund.** The Supreme Court shall promulgate rules to establish a lengthy trial fund. The lengthy trial fund shall be used to provide full wage replacement or wage supplementation to jurors who serve as jurors on civil or criminal trials for more than ten days. The court rules shall provide for the following:

(1) selection and appointment of an administrator for the lengthy trial fund;

(2) administration procedures that provide that money in the lengthy trial fund shall be used to make wage replacement or wage supplementation as provided in this section to jurors participating on juries in trials where jury service extends 11 days or longer and to recover all the costs of administering the lengthy trial fund, including payments of salaries of the administrator and other necessary personnel;

(3) procedures for the accounting, auditing, and investing money in the lengthy trial fund in accordance with state law pertaining to similar funds; and

(4) a report by the Supreme Court on the lengthy trial fund administration, to be included in its annual report on the judicial branch. The report shall document the funds collected for and disbursed from the fund.

Subd. 3. **Lengthy trial fund fee.** In addition to other applicable fees, each trial court shall collect from each party who files a civil case, unless otherwise exempted under the provisions of this section, a fee of \$5 per case to be paid into the lengthy trial fund. A case is "filed" when the first pleading or other filing in a case, on which pleading an attorney's name appears, is filed. All such fees shall be forwarded to the administrator of the lengthy trial fund for deposit.

Subd. 4. **Claims not subject to fee.** The following attorneys and causes of action are exempt from payment of the lengthy trial fund fee:

(1) government attorneys entering appearances in the course of their official duties;

(2) pro se litigants;

(3) cases in small claims court; or

(4) claims seeking Social Security disability determinations; individual veterans' compensation or disability determinations; recoupment actions for government-backed educational loans or mortgages; child custody and support cases; actions brought in forma pauperis; and any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for a trial by jury.

6.1 Subd. 5. **Supplemental compensation for lengthy trials.** The administrator
6.2 shall use the fees deposited in the lengthy trial fund to pay full wage replacement or
6.3 supplementation to jurors whose employers pay less than full regular wages when the
6.4 period of jury service lasts more than ten days. Not more than five percent of the money in
6.5 the lengthy trial fund shall be used for the reasonable and necessary costs of administering
6.6 the fund. The money in the lengthy trial fund shall not be used for any purpose other than
6.7 as prescribed in this section. The court may pay replacement or supplemental wages of
6.8 up to \$300 per day per juror beginning on the eleventh day of jury service. In addition,
6.9 for any jurors who qualify for payment by virtue of having served on a jury for more
6.10 than ten days, the court may, upon finding that such service posed a significant financial
6.11 hardship to a juror, even in light of payments made with respect to jury service on the 11th
6.12 day and thereafter, award replacement or supplemental wages of up to \$100 per day from
6.13 the fourth to the tenth day of jury service.

6.14 Subd. 6. **Procedure for obtaining supplemental compensation.** Any juror who
6.15 serves on a jury that qualifies for payment from the lengthy trial may submit a request
6.16 for payment from the lengthy trial fund on a form that the administrator provides.
6.17 Payment shall be limited to the difference between the state paid jury fee authorized
6.18 under subdivision 1 and the actual amount of wages a juror earns, up to the maximum
6.19 level payable, minus any amount the juror actually receives from the employer during
6.20 the same time period. The form shall disclose the juror's regular wages, the amount
6.21 the employer will pay during the term of jury service starting on the 11th day and
6.22 thereafter, the amount of replacement or supplemental wages requested, and any other
6.23 information the administrator deems necessary for proper payment. The juror also shall be
6.24 required to submit verification from the employer as to the wage information provided
6.25 to the administrator, for example, the employee's most recent earnings statement or
6.26 similar document, prior to initiation of payment from the lengthy trial fund. If a juror is
6.27 self-employed or receives compensation other than wages, the juror may provide a sworn
6.28 affidavit attesting to the juror's approximate gross weekly income, together with such
6.29 other information as the administrator may require, in order to verify weekly income.
6.30 Documents submitted pursuant to this paragraph are not public records and shall not be
6.31 disclosed to the general public.

6.32 Sec. 6. Minnesota Statutes 2006, section 593.50, subdivision 1, is amended to read:

6.33 Subdivision 1. **Juror protection.** An employer shall not deprive an employee of
6.34 employment, or threaten or otherwise coerce the employee with respect thereto, because
6.35 the employee receives a summons, responds thereto, serves as a juror, or attends court

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7.1 for prospective jury service. An employee shall not be required to use annual leave, sick
7.2 leave, or vacation time, as a result of the employee's absence from employment due to such
7.3 jury duty or court appearance, upon giving reasonable notice to the employee's employer
7.4 of the court appearance or summons. Nothing in this provision shall be construed to
7.5 require an employer to provide annual leave, sick leave, or vacation time to employees
7.6 under the provisions of this subdivision who otherwise are not entitled to such benefits
7.7 under company policies.

7.8 Sec. 7. **SUPERSEDED RULE.**

7.9 Jury Management Rules 810 and 811 of the Minnesota General Rules of Practice
7.10 for the District Courts are superseded to the extent they conflict with section 1, 2, or 3
7.11 of this act.

7.12 Sec. 8. **EFFECTIVE DATE.**

7.13 Sections 1 to 7 are effective July 1, 2007, except that section 5, subdivision 6, is
7.14 effective on January 1, 2008.