

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 154

Introduced By: Burling, 33; Kruse, 13; Wightman, 36;

Read first time: January 8, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to jury service; to amend section 25-1601,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 provisions relating to jury service; and to repeal the
4 original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1601, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 25-1601. (1) All citizens of the United States residing in
4 any of the counties of this state who are over the age of nineteen
5 years, able to read, speak, and understand the English language, and
6 free from all disqualifications set forth under this section and from
7 all other legal exceptions are and shall be competent persons to serve
8 on all grand and petit juries in their respective counties. Persons
9 disqualified to serve as either grand or petit jurors are: (a) Judges
10 of any court, (b) clerks of the Supreme or district courts, (c)
11 sheriffs, (d) jailers, (e) persons, or the wife or husband of any such
12 person, who are parties to suits pending in the district court of the
13 county of his, her, or their then residence for trial at that jury
14 panel, (f) persons who have been convicted of a criminal offense
15 punishable by imprisonment in a Department of Correctional Services
16 adult correctional facility, when such conviction has not been set
17 aside or a pardon issued, and (g) persons who are subject to liability
18 for the commission of any offense which by special provision of law
19 does and shall disqualify them. Persons who are husband and wife shall
20 not be summoned as jurors on the same panel. Persons who are
21 incapable, by reason of physical or mental disability, of rendering
22 satisfactory jury service shall not be qualified to serve on a jury,
23 but a person claiming this disqualification may be required to submit
24 a physician's certificate as to the disability and the certifying
25 physician is subject to inquiry by the court at its discretion. ~~A~~
26 ~~nursing mother who requests to be excused shall be excused from jury~~
27 ~~service until she is no longer nursing her child, but the mother may~~

1 ~~be required to submit a physician's certificate in support of her~~
2 ~~request. No qualified prospective juror is exempt from jury~~
3 ~~service.~~

4 (2) The district court or any judge thereof may exercise the
5 power of excusing any grand or petit juror or any person summoned for
6 grand or petit jury service upon a showing of undue hardship, extreme
7 inconvenience, or public necessity for such period as the court deems
8 necessary. At the conclusion of such period the person shall reappear
9 for jury service in accordance with the court's direction. All excuses
10 and the grounds for such excuses shall be entered upon the record of
11 the court and shall be considered as a public record. In districts
12 having more than one judge of the district court, the court may by
13 rule or order assign or delegate to the presiding judge or any one or
14 more judges the sole authority to grant such excuses.

15 ~~(3) No qualified prospective juror is exempt from jury~~
16 ~~service, except that any person sixty five years of age or older who~~
17 ~~shall make such request to the court at the time the juror~~
18 ~~qualification form is filed with the jury commissioner shall be~~
19 ~~exempt from serving on grand and petit juries.~~

20 (4) (3) A nursing mother shall be excused from jury
21 service until she is no longer nursing her child by making such
22 request to the court at the time the juror qualification form is filed
23 with the jury commissioner and including with the request a
24 physician's certificate in support of her request. The jury
25 commissioner shall mail the mother a notification form to be completed
26 and returned to the jury commissioner by the mother when she is no
27 longer nursing the child.

1 Sec. 2. Original section 25-1601, Revised Statutes
2 Cumulative Supplement, 2006, is repealed.