LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 784

Introduced by Lathrop, 12.

Read first time January 10, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend section 25-1601,

2   Reissue Revised Statutes of Nebraska; to change a

3   provision relating to juror disqualification; and to

4   repeal the original section.

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

1   Section 1. Section 25-1601, Reissue Revised Statutes of

2   Nebraska, 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

8   serve on all grand and petit juries in their respective counties.

9   Persons disqualified to serve as either grand or petit jurors are:

10   (a) Judges of any court, (b) clerks of the Supreme or district

11   courts, (c) sheriffs, (d) jailers, (e) persons, or the wife or

12   husband of any such person, who are parties to suits pending in the

13   district court of the county of his, her, or their then residence for

14   trial at that jury panel, (f) persons who have been convicted of a

15   ~~criminal~~ felony offense, ~~punishable by imprisonment in a Department~~

16   ~~of Correctional Services adult correctional facility,~~ when such

17   conviction has not been set aside or a pardon issued, and (g) persons

18   who are subject to liability for the commission of any offense which

19   by special provision of law does and shall disqualify them. Persons

20   who are husband and wife shall not be summoned as jurors on the same

21   panel. Persons who are incapable, by reason of physical or mental

22   disability, of rendering satisfactory jury service shall not be

23   qualified to serve on a jury, but a person claiming this

24   disqualification may be required to submit a physician's certificate

25   as to the disability and the certifying physician is subject to

1 inquiry by the court at its discretion. A nursing mother who requests

2 to be excused shall be excused from jury service until she is no

3 longer nursing her child, but the mother may be required to submit a

4 physician's certificate in support of her request.

5   (2) The district court or any judge thereof may exercise

6 the power of excusing any grand or petit juror or any person summoned

7 for grand or petit jury service upon a showing of undue hardship,

8 extreme inconvenience, or public necessity for such period as the

9 court deems necessary. At the conclusion of such period the person

10 shall reappear for jury service in accordance with the court's

11 direction. All excuses and the grounds for such excuses shall be

12 entered upon the record of the court and shall be considered as a

13 public record. In districts having more than one judge of the

14 district court, the court may by rule or order assign or delegate to

15 the presiding judge or any one or more judges the sole authority to

16 grant such excuses.

17   (3) No qualified prospective juror is exempt from jury

18 service, except that any person sixty-five years of age or older who

19 shall make such request to the court at the time the juror

20 qualification form is filed with the jury commissioner shall be

21 exempt from serving on grand and petit juries.

22   (4) A nursing mother shall be excused from jury service

23 until she is no longer nursing her child by making such request to

24 the court at the time the juror qualification form is filed with the

25 jury commissioner and including with the request a physician's

1 certificate in support of her request. The jury commissioner shall

2 mail the mother a notification form to be completed and returned to

3 the jury commissioner by the mother when she is no longer nursing the

4 child.

5   Sec. 2. Original section 25-1601, Reissue Revised

6 Statutes of Nebraska, is repealed.