

SENATE BILL No. 345

By Committee on Judiciary

1-20

AN ACT concerning jurors; relating to exclusions from jury service; removing breastfeeding mothers from the mandatory exclusion list and including them on the discretionary exclusion list; amending K.S.A. 43-158 and 43-159 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 43-158 is hereby amended to read as follows: 43-158. The following persons shall be excused from jury service:

(a) Persons unable to understand the English language with a degree of proficiency sufficient to respond to a jury questionnaire form prepared by the commissioner;

(b) persons under adjudication of incompetency;

(c) persons who within 10 years immediately preceding have been convicted of or pleaded guilty, or nolo contendere, to an indictment or information charging a felony; *and*

(d) persons who have served as jurors in the county within one year immediately preceding; ~~and~~

~~(e) a mother breastfeeding her child. Jury service shall be postponed until such mother is no longer breastfeeding the child.~~

Sec. 2. K.S.A. 43-159 is hereby amended to read as follows: 43-159.

(a) In addition to the persons excused from jury service in K.S.A. 43-158, and amendments thereto, the following persons may be excused from jury service by the court:

~~(a)~~(1) Persons so physically or mentally infirm as to be unequal to the task of ordinary jury duty;

~~(b)~~(2) persons whose presence elsewhere is required for the public welfare, health or safety;

~~(c)~~(3) persons for whom jury service would cause extraordinary or compelling personal hardship; ~~and~~

~~(d)~~(4) persons whose personal relationship to the parties or whose information or interest in the case to be tried is such that there is a probability such persons would find it difficult to be impartial; *and*

(5) *mothers breastfeeding a child if the mother requests deferral.*

(b) *The court or jury commissioner shall inquire if a mother who is breastfeeding her child requests a deferral of jury service pursuant to subsection (a)(5). If such mother requests a deferral, jury service shall be*

1 *postponed for at least one year. If such mother breastfeeding her child*
2 *chooses to serve jury service, the court or jury commissioner shall make*
3 *reasonable accommodations for her during her service.*

4 Sec. 3. K.S.A. 43-158 and 43-159 are hereby repealed.

5 Sec. 4. This act shall take effect and be in force from and after its
6 publication in the statute book.