**South Carolina General Assembly**

118th Session, 2009-2010

**A187, R230, S1300**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shoopman, Cromer, Davis, Grooms, Bryant, Campbell, Rose, Alexander, Verdin, Campsen, Bright, McConnell, Fair, Cleary and L. Martin

Document Path: l:\s-res\pws\002home.ebd.pws.docx

Introduced in the Senate on March 18, 2010

Introduced in the House on April 28, 2010

Passed by the General Assembly on May 21, 2010

Governor's Action: May 28, 2010, Signed

Summary: Jury service

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/18/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-18-10.docx)‑4

 3/18/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-18-10.docx)‑4

 3/29/2010 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

 4/21/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-21-10.docx)‑15

 4/22/2010 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-22-10.docx)‑61

 4/22/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-22-10.docx)‑61

 4/23/2010 Scrivener's error corrected

 4/27/2010 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-27-10.docx)‑16

 4/28/2010 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-28-10.docx)‑14

 4/28/2010 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-28-10.docx)‑15

 5/12/2010 House Committee report: Favorable **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-12-10.docx)‑9

 5/20/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-20-10.docx)‑19

 5/20/2010 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-20-10.docx)‑20

 5/21/2010 House Read third time and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-21-10.docx)‑1

 5/25/2010 Ratified R 230

 5/28/2010 Signed By Governor

 6/3/2010 Effective date 05/28/10

 6/9/2010 Act No. 187

**VERSIONS OF THIS BILL**

[3/18/2010](file:///p%3A%5Cpprever%5C2009-10%5C1300_20100318.docx)

[4/21/2010](file:///p%3A%5Cpprever%5C2009-10%5C1300_20100421.docx)

[4/22/2010](file:///p%3A%5Cpprever%5C2009-10%5C1300_20100422.docx)

[4/23/2010](file:///p%3A%5Cpprever%5C2009-10%5C1300_20100423.docx)

[5/12/2010](file:///p%3A%5Cpprever%5C2009-10%5C1300_20100512.docx)

(A187, R230, S1300)

**AN ACT TO AMEND SECTION 14‑7‑845, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTPONEMENT OF JURY SERVICE FOR STUDENTS AND SCHOOL EMPLOYEES, SO AS TO PROVIDE THAT PUBLIC OR PRIVATE SCHOOL EMPLOYEES AND OTHER DELINEATED PERSONS RESPONSIBLE FOR THE EDUCATION OR INSTRUCTION OF A CHILD MAY REQUEST A POSTPONEMENT OF JURY SERVICE; AND TO AMEND SECTION 14‑7‑860, AS AMENDED, RELATING TO EXCUSAL OF JURORS FOR GOOD CAUSE, SO AS TO CLARIFY THAT THE APPLICATION FOR EXCUSAL FROM JURY SERVICE BE IN THE FORM OF AN AFFIDAVIT.**

Be it enacted by the General Assembly of the State of South Carolina:

**Jury service, postponement for students and school employees, public and private**

SECTION 1. Section 14‑7‑845 of the 1976 Code, as last amended by Act 28 of 1997, is further amended to read:

 “Section 14‑7‑845. (A) If a student selected for jury service during the school term requests, his service must be postponed to a date that does not conflict with the school term. For purposes of this subsection, a student is a person enrolled in high school or an institution of higher learning, including technical college.

 (B) If a public or private school employee, a person primarily responsible for the elementary or secondary education of a child in a home or charter school, or a person who is an instructor at an institution of higher learning including a technical college, selected for jury service during the school term requests, his service must be postponed to a date that does not conflict with the school term. For purposes of this subsection, a ‘school employee’ is a person employed as a teacher, certified personnel at the building level, or bus driver by a school, a school system, or a school district offering educational programs to grades K‑12 and to institutions of higher learning, including technical colleges. For purposes of this subsection, ‘school term’ means the instructional school year, generally from September first until May thirtieth or not more than one hundred ninety days.

 (C) A person selected for jury service who requests a postponement pursuant to subsection (A) or (B) must provide evidence of school enrollment or employment, or evidence of educational responsibilities during a home or charter school term coinciding with the dates of jury duty.”

**Jury service, excusal for good cause, affidavit**

SECTION 2. Section 14‑7‑860 of the 1976 Code, as last amended by Act 228 of 2004, is further amended to read:

 “Section 14‑7‑860. (A) The presiding judge for cause shown may excuse any person from jury duty at any term of court if the judge considers it advisable. But no juror who has been drawn to serve at any term of the court may be excused except for good and sufficient cause, which, together with his application, must be filed in the office of the clerk of court and remain on record.

 (B) A person who:

 (1) has legal custody and the duty of care for a child less than seven years of age;

 (2) is the primary caretaker of a person aged sixty‑five or older; or

 (3) is the primary caretaker of a severely disabled person who is unable to care for himself or cannot be left unattended; and desires to be excused from jury duty must submit an affidavit to the clerk of court.

 The affidavit must state that he is unable to provide adequate care for the child, person aged sixty‑five or older, or disabled person while performing jury duty, and must be excused by the presiding judge from jury service.

 (C) The provisions of Section 14‑7‑870 do not apply to any juror described in this subsection who: (a) has a child less than seven years of age, (b) is the primary caretaker of a person aged sixty‑five or older, or (c) is the primary caretaker of a severely disabled person who is unable to care for himself or cannot be left unattended.

 (D) Upon submitting an affidavit to the clerk of court requesting to be excused from jury duty, a person either may be excused or transferred to another term of court by the presiding judge if the person performs services for a business, commercial, or agricultural enterprise, and the person’s services are so essential to the operations of the business, commercial, or agricultural enterprise that the enterprise must close or cease to function if the person is required to perform jury duty.

 (E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine not to exceed one thousand dollars or imprisoned not more than thirty days, or both.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 25th day of May, 2010.

Approved the 28th day of May, 2010.

\_\_\_\_\_\_\_\_\_\_