

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0670.01 Richard Sweetman

HOUSE BILL 11-1153

HOUSE SPONSORSHIP

Hullinghorst,

SENATE SPONSORSHIP

Newell,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING JUROR SERVICE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill defines "juror service" as the period of time during which a person is committed to serving upon a jury, from the time the person reports and checks in on his or her designated reporting date through and until he or she is released by the court or by the jury commissioner.

Each summons to juror service shall include instructions to the juror for retrieving jury service acknowledgment information.

In setting the date to which a trial juror's service is postponed, the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unam ended
March 18, 2011

HOUSE
3rd Reading Unam ended
February 22, 2011

HOUSE
Am ended 2nd Reading
February 21, 2011

jury commissioner shall notify the juror by telephone or in writing of the new date.

The bill eliminates statutory language concerning juror service certificates and replaces it with language concerning juror service acknowledgment information. A jury commissioner shall retain juror service acknowledgment information and make it available electronically via the internet for 12 months after jurors have completed juror service. If a juror requests juror service acknowledgment information relating to his or her juror service at any time during the 12-month period, the jury commissioner shall provide the information within 60 days after the request.

Trial juror payments for each juror's service shall be processed by the state by check or electronic funds transfer within 10 days after the conclusion of the juror's service. The state shall process grand juror payments at least on a monthly basis.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 13-71-102, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **13-71-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (2.5) "JUROR SERVICE" MEANS THE PERIOD OF TIME DURING WHICH
7 A PERSON IS COMMITTED TO SERVING UPON A JURY, FROM THE TIME THE
8 PERSON REPORTS AND CHECKS IN ON HIS OR HER DESIGNATED REPORTING
9 DATE THROUGH AND UNTIL HE OR SHE IS RELEASED BY THE COURT OR BY
10 THE JURY COMMISSIONER. "JUROR SERVICE" INCLUDES ANY TIME THAT A
11 PERSON SPENDS IN THE JURY SELECTION PROCESS AND ANY TIME THAT A
12 PERSON SPENDS IN A TRIAL.

13 **SECTION 2.** 13-71-105 (2) (f) and (2) (g), Colorado Revised
14 Statutes, are amended to read:

15 **13-71-105. Qualifications for juror service.** (2) A prospective
16 trial or grand juror shall be disqualified, based on the following grounds:

17 (f) Selection and service as an impaneled trial or grand juror in

1 any municipal, tribal, military, state, or federal court within the preceding
2 twelve months or being scheduled for juror service within the next twelve
3 months. Any person claiming this disqualification must submit a letter or
4 ~~certificate~~ OTHER FORMAL ACKNOWLEDGMENT from the appropriate
5 authority verifying HIS OR HER prior or pending juror service.

6 (g) Appearance as a prospective juror in state court in accordance
7 with the provisions of section 13-71-120 within the current calendar year.
8 Any person claiming this disqualification shall submit a letter or
9 ~~certificate~~ OTHER FORMAL ACKNOWLEDGMENT from the appropriate
10 authority verifying such prior juror appearance. This exemption,
11 however, does not apply in emergency circumstances as provided for in
12 section 13-71-112.

13 **SECTION 3.** 13-71-111, Colorado Revised Statutes, is amended
14 to read:

15 **13-71-111. Contents of juror summons.** (1) The juror summons
16 shall state: Whether the anticipated service is that of a trial or grand
17 juror; the beginning date of the juror service; the name, address, hour, and
18 room number, if any, of the courthouse or office to which the juror shall
19 report on the first day of service; the fact that a knowing failure to obey
20 the summons without justifiable excuse is a violation of section 18-8-612,
21 C.R.S., and a class 3 misdemeanor punishable as provided in section
22 18-1.3-501, C.R.S.; and such other information and instructions as are
23 deemed appropriate by the state court administrator or the jury
24 commissioner.

- 25 (2) Every prospective juror shall also receive with the summons:
- 26 (a) Notice of the qualifications for juror service; AND
 - 27 (b) INSTRUCTIONS TO JURORS FOR RETRIEVING JUROR SERVICE

1 ACKNOWLEDGMENT INFORMATION, AS DESCRIBED IN SECTION 13-71-132.

2 **SECTION 4.** 13-71-116, Colorado Revised Statutes, is amended
3 to read:

4 **13-71-116. Trial juror's right to one postponement.** A trial
5 juror shall have the right to one postponement of the term of juror service.
6 Such postponement shall not last more than six months, but may extend
7 into the next calendar year. To exercise this right, the juror shall notify
8 the jury commissioner by telephone or in writing requesting an alternate
9 date to which juror service may be postponed. A jury ~~commissioners~~
10 COMMISSIONER, in ~~their~~ HIS OR HER discretion, may set the date to which
11 the juror's service is postponed. ~~and~~ A JURY COMMISSIONER SHALL
12 NOTIFY the juror ~~shall receive a new summons designating~~ BY TELEPHONE
13 OR IN WRITING OF the new date.

14 **SECTION 5.** 13-71-127, Colorado Revised Statutes, is amended
15 to read:

16 **13-71-127. Financial hardship of employer or self-employed**
17 **juror.** The court shall excuse an employer or a self-employed juror from
18 the duty of compensation for trial or grand juror service upon a finding
19 that it would cause financial hardship. When such a finding is made, a
20 juror shall receive reasonable compensation in lieu of wages from the
21 state for the first three days of juror service or any part thereof. Such
22 award shall not exceed fifty dollars per day of juror service. A court
23 hearing on an employer's extreme financial hardship shall occur no later
24 than thirty days after the tender of the juror service ~~certificate~~
25 ACKNOWLEDGMENT INFORMATION to the employer. The request for a
26 court hearing shall be made in writing to the jury commissioner.

27 **SECTION 6.** 13-71-132, Colorado Revised Statutes, is amended

1 to read:

2 **13-71-132. Juror service acknowledgment information -**
3 **requests - payment.** (1) The juror service certificate
4 ACKNOWLEDGMENT shall contain the following information: The name
5 and address of the juror; ~~the name, address, and judicial district of the~~
6 ~~court in which the juror service was performed; the week to which the~~
7 ~~certificate applies;~~ THE JURY COMMISSIONER CONTACT INFORMATION and
8 the number of days of juror service performed; ~~during that week and the~~
9 ~~dates thereof; the total compensation received by the juror from the state~~
10 ~~during the week;~~ a declaration of the duty of the employer to compensate
11 an employed juror for the first three days, or any part thereof, of juror
12 service; the right of an employer to be excused from such duty by the
13 court upon a showing of extreme financial hardship; and any other
14 information deemed appropriate by the jury commissioner. ~~Each juror~~
15 ~~service certificate shall be completed in triplicate, and the juror, the~~
16 ~~juror's employer, and the jury commissioner each shall be given one copy.~~
17 THE JURY COMMISSIONER SHALL RETAIN juror service certificates shall be
18 ~~retained by the jury commissioner~~ ACKNOWLEDGMENT INFORMATION FOR
19 EACH JUROR AND MAKE IT AVAILABLE ELECTRONICALLY VIA THE
20 INTERNET for ~~eighteen~~ TWELVE months after the ~~jurors have completed~~
21 juror COMPLETES HIS OR HER service.

22 (2) ~~Upon discharging or releasing a juror from juror service, the~~
23 ~~jury commissioner, the judge, or the clerk shall either present the juror~~
24 ~~with the juror's completed juror service certificate or mail two copies of~~
25 ~~the certificate to the juror within one week after completion of juror~~
26 ~~service. Any juror seeking employer compensation for juror service shall~~
27 ~~tender the employer's copy to the juror's employer as soon as is practical.~~

1 ~~This duty to tender shall appear prominently on the certificate.~~ IF A JUROR
2 REQUESTS JUROR SERVICE ACKNOWLEDGMENT INFORMATION RELATING TO
3 HIS OR HER JUROR SERVICE AT ANY TIME DURING THE TWELVE-MONTH
4 PERIOD DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE JURY
5 COMMISSIONER SHALL PROVIDE THE INFORMATION WITHIN SIXTY DAYS
6 AFTER THE REQUEST.

7 (3) ~~Trial and grand jurors shall receive payments due from the~~
8 ~~state for juror service by check on a weekly basis.~~ TRIAL JUROR
9 PAYMENTS FOR EACH JUROR'S SERVICE SHALL BE PROCESSED BY THE STATE
10 BY CHECK OR ELECTRONIC FUNDS TRANSFER WITHIN TEN DAYS AFTER THE
11 CONCLUSION OF THE JUROR'S SERVICE. THE STATE SHALL PROCESS GRAND
12 JUROR PAYMENTS AT LEAST ON A MONTHLY BASIS. Each ~~check~~ PAYMENT
13 shall include all compensation for juror service and reimbursement for
14 authorized expenses incurred by the juror during the previous ~~week~~ TIME
15 PERIOD. The state court administrator shall prepare and ~~mail these checks~~
16 DISBURSE THESE PAYMENTS based upon information received from jury
17 commissioners.

18 **SECTION 7.** 13-71-133, Colorado Revised Statutes, is amended
19 to read:

20 **13-71-133. Enforcement of employer's duty to compensate**
21 **jurors.** Any employer who fails to compensate an employed juror under
22 the applicable provisions of this article and who has not been excused
23 from such duty of compensation shall be liable to the employed juror. If
24 the employer fails to compensate a juror within thirty days after tender of
25 the juror service ~~certificate~~ ACKNOWLEDGMENT INFORMATION, the juror
26 may commence a civil action in any court having jurisdiction over the
27 parties. Extreme financial hardship on the part of the employer shall not

1 be a defense to such an action. The court may award treble damages and
2 reasonable attorney fees to the juror upon a finding of willful misconduct
3 by the employer.

4 **SECTION 8. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2012 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor.