

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 11-1153

BY REPRESENTATIVE(S) Hullinghorst, Fields, Fischer, Kagan, Labuda, Pabon, Peniston, Schafer S., Vigil, Wilson;
also SENATOR(S) Newell.

CONCERNING JUROR SERVICE.

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

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

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

(2.5) "JUROR SERVICE" MEANS 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. "JUROR SERVICE" INCLUDES ANY TIME THAT A PERSON SPENDS IN THE JURY SELECTION PROCESS AND ANY TIME THAT A PERSON SPENDS IN A TRIAL.

SECTION 2. 13-71-105 (2) (f) and (2) (g), Colorado Revised

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Statutes, are amended to read:

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

(f) Selection and service as an impaneled trial or grand juror in any municipal, tribal, military, state, or federal court within the preceding twelve months or being scheduled for juror service within the next twelve months. Any person claiming this disqualification must submit a letter or ~~certificate~~ OTHER FORMAL ACKNOWLEDGMENT from the appropriate authority verifying HIS OR HER prior or pending juror service.

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

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

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

(2) Every prospective juror shall also receive with the summons:

(a) Notice of the qualifications for juror service; AND

(b) INSTRUCTIONS TO JURORS FOR RETRIEVING JUROR SERVICE ACKNOWLEDGMENT INFORMATION, AS DESCRIBED IN SECTION 13-71-132.

SECTION 4. 13-71-116, Colorado Revised Statutes, is amended to

read:

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

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

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

SECTION 6. 13-71-132, Colorado Revised Statutes, is amended to read:

13-71-132. Juror service acknowledgment information - requests - payment. (1) The juror service ~~certificate~~ ACKNOWLEDGMENT shall contain the following information: The name ~~and address~~ of the juror; ~~the name, address, and judicial district of the court in which the juror service was performed; the week to which the certificate applies;~~ THE JURY COMMISSIONER CONTACT INFORMATION and the number of days of juror service performed; ~~during that week and the dates thereof; the total compensation received by the juror from the state during the week;~~ a declaration of the duty of the employer to compensate an employed juror for

the first three days, or any part thereof, of juror service; the right of an employer to be excused from such duty by the court upon a showing of extreme financial hardship; and any other information deemed appropriate by the jury commissioner. ~~Each juror service certificate shall be completed in triplicate, and the juror, the juror's employer, and the jury commissioner each shall be given one copy.~~ THE JURY COMMISSIONER SHALL RETAIN juror service certificates ~~shall be retained by the jury commissioner~~ ACKNOWLEDGMENT INFORMATION FOR EACH JUROR AND MAKE IT AVAILABLE ELECTRONICALLY VIA THE INTERNET for ~~eighteen~~ TWELVE months after the ~~jurors have completed~~ juror COMPLETES HIS OR HER service.

(2) ~~Upon discharging or releasing a juror from juror service, the jury commissioner, the judge, or the clerk shall either present the juror with the juror's completed juror service certificate or mail two copies of the certificate to the juror within one week after completion of juror service.~~ Any juror seeking employer compensation for juror service shall tender the employer's copy to the juror's employer as soon as is practical. ~~This duty to tender shall appear prominently on the certificate.~~ IF A JUROR REQUESTS JUROR SERVICE ACKNOWLEDGMENT INFORMATION RELATING TO HIS OR HER JUROR SERVICE AT ANY TIME DURING THE TWELVE-MONTH PERIOD DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE JURY COMMISSIONER SHALL PROVIDE THE INFORMATION WITHIN SIXTY DAYS AFTER THE REQUEST.

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

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

13-71-133. Enforcement of employer's duty to compensate jurors. Any employer who fails to compensate an employed juror under the

applicable provisions of this article and who has not been excused from such duty of compensation shall be liable to the employed juror. If the employer fails to compensate a juror within thirty days after tender of the juror service certificate ACKNOWLEDGMENT INFORMATION, the juror may commence a civil action in any court having jurisdiction over the parties. Extreme financial hardship on the part of the employer shall not be a defense to such an action. The court may award treble damages and reasonable attorney fees to the juror upon a finding of willful misconduct by the employer.

SECTION 8. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO