

# SENATE BILL No. 113

February 1, 2005, Introduced by Senator HAMMERSTROM and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 1307a, 1314, 1320, 1333, 1334, 1335, 1337,  
1343, 1346, and 1348 (MCL 600.1307a, 600.1314, 600.1320, 600.1333,  
600.1334, 600.1335, 600.1337, 600.1343, 600.1346, and 600.1348),  
sections 1307a, 1320, 1333, 1334, 1335, 1337, 1343, and 1346 as  
amended by 2004 PA 12 and section 1348 as amended by 1982 PA 234,  
and by adding section 1344a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1307a. (1) IT IS THE POLICY OF THIS STATE THAT ALL  
2       QUALIFIED CITIZENS HAVE AN OBLIGATION TO SERVE ON PETIT JURIES WHEN  
3       SUMMONED BY THE COURTS OF THIS STATE, UNLESS EXCUSED.

4       (2) ~~—(1)—~~ To qualify as a juror, a person shall COMPLY WITH

1 **ALL OF THE FOLLOWING CONDITIONS:**

2 (a) Be a citizen of the United States, 18 years of age or  
3 older, and a resident in the county for which the person is  
4 selected, and in the case of a district court in districts of the  
5 second and third class, be a resident of the district.

6 (b) Be able to communicate in the English language.

7 ~~—(c) Be physically and mentally able to carry out the~~  
8 ~~functions of a juror. Temporary inability shall not be considered a~~  
9 ~~disqualification.~~

10 (C) ~~—(d) Not have served as a petit or grand juror in a~~  
11 ~~court of record during the preceding 12 months.~~

12 (D) ~~—(e) Not have been convicted of a felony.~~

13 (3) ~~—(2) A person more than 70 years of age may claim~~  
14 ~~exemption from jury service and shall be exempt upon making the~~  
15 ~~request.~~

16 (4) ~~—(3) For the purposes of this section and sections 1371~~  
17 ~~to 1376, a person has served as a juror if that person has been~~  
18 ~~paid for jury service.~~

19 (5) ~~—(4) For purposes of~~ **AS USED IN** this section, "felony"  
20 means a violation of a penal law of this state, another state, or  
21 the United States for which the offender, upon conviction, may be  
22 punished by death or by imprisonment for more than 1 year or an  
23 offense expressly designated by law to be a felony.

24 Sec. 1314. On the basis of answers to the juror qualifications  
25 questionnaires, the board may excuse from service persons on the  
26 first jury list ~~who claim exemption and give satisfactory proof of~~  
27 ~~such right, and~~ all persons who are not qualified for jury

1 service. The board may investigate the accuracy of the answers to  
2 the questionnaires and may call upon all law enforcement agencies  
3 for assistance in the investigation.

4 Sec. 1320. (1) The board shall make a preliminary screening of  
5 the qualifications ~~and exemptions~~ of prospective jurors and shall  
6 not include in the second jury list the names of persons it finds  
7 not qualified; ~~or exempt;~~ but the court may decide upon the  
8 qualifications ~~and exemptions~~ of prospective jurors upon a  
9 written application and satisfactory legal proof at any time after  
10 the jurors attend court.

11 ~~——— (2) If a prospective juror without legal disqualification or~~  
12 ~~exemption applies to the board to be excused from jury service, the~~  
13 ~~jury board may, with the written approval of the chief circuit~~  
14 ~~judge, exclude his or her name from the second jury list when it~~  
15 ~~appears that the interests of the public or of the prospective~~  
16 ~~juror will be materially injured by his or her attendance or the~~  
17 ~~health of the juror or that of a member of his or her family~~  
18 ~~requires his or her absence from court.~~

19 (2) ~~—(3)—~~ If the name of a person who is deceased is selected  
20 for jury service, the name shall be removed from the second jury  
21 list and that fact may be forwarded to the local clerk.

22 ~~——— (4) The trial judge, at his or her discretion, may grant a~~  
23 ~~deferral of jury service to a person if the person claims that~~  
24 ~~serving on the date he or she is called creates a hardship. If the~~  
25 ~~trial judge grants a deferral, the judge shall determine a future~~  
26 ~~date on which the person may serve without hardship, and shall~~  
27 ~~direct the board to call the person on that date.~~

1       Sec. 1333. (1) A person who is notified to attend as a juror  
2 may apply to the chief judge of the court to ~~be excused or~~ have  
3 his or her term of service postponed. ~~on any ground provided in~~  
4 ~~this chapter. He or she may apply in person or by a person capable~~  
5 ~~of making the necessary proof of his or her claim. An entry of the~~  
6 ~~action of the chief judge upon the application and of the reason~~  
7 ~~for that action shall be made on the records of the court. EXCEPT~~  
8 AS PROVIDED IN SUBSECTION (3) AND SECTION 1348(4), A PERSON MAY  
9 HAVE HIS OR HER TERM OF SERVICE POSTPONED UNDER THIS SECTION ONLY  
10 ONCE.

11       (2) THE JUDGE SHALL GRANT A REQUESTED POSTPONEMENT IF ALL OF  
12 THE FOLLOWING APPLY:

13       (A) THE PROSPECTIVE JUROR HAS NOT PREVIOUSLY BEEN GRANTED A  
14 POSTPONEMENT.

15       (B) THE PROSPECTIVE JUROR APPEARS IN PERSON OR CONTACTS THE  
16 CLERK OF THE COURT BY TELEPHONE, BY ELECTRONIC MAIL, OR IN WRITING  
17 TO REQUEST THE POSTPONEMENT.

18       (C) BEFORE THE GRANT OF A POSTPONEMENT, THE PROSPECTIVE JUROR  
19 FIXES A DATE ON WHICH HE OR SHE WILL APPEAR FOR JURY SERVICE THAT  
20 IS NOT MORE THAN 6 MONTHS AFTER THE DATE ON WHICH THE PROSPECTIVE  
21 JUROR WAS CALLED TO SERVE AND IS A DATE ON WHICH THE COURT WILL BE  
22 IN SESSION.

23       (3) A SECOND POSTPONEMENT OF JURY SERVICE FOR A PROSPECTIVE  
24 JUROR MAY BE APPROVED BY A JUDGE ONLY IN THE EVENT OF AN EXTREME  
25 EMERGENCY, SUCH AS A DEATH IN THE FAMILY, SUDDEN GRAVE ILLNESS, A  
26 NATURAL DISASTER, OR A NATIONAL EMERGENCY IN WHICH THE PROSPECTIVE  
27 JUROR IS PERSONALLY INVOLVED, THAT COULD NOT HAVE BEEN ANTICIPATED

1 WHEN THE INITIAL POSTPONEMENT WAS GRANTED. BEFORE GRANTING A SECOND  
2 POSTPONEMENT, THE PROSPECTIVE JUROR MUST FIX A DATE ON WHICH HE OR  
3 SHE WILL APPEAR FOR JURY SERVICE THAT IS NOT MORE THAN 6 MONTHS  
4 AFTER THE DATE ON WHICH THE JUROR WAS CALLED TO SERVE AND IS A DATE  
5 ON WHICH THE COURT WILL BE IN SESSION.

6 (4) AN INDIVIDUAL WHO DOES NOT APPEAR IN PERSON ON THE DATE  
7 SCHEDULED FOR JURY SERVICE AND WHO HAS NOT OBTAINED A POSTPONEMENT  
8 UNDER SUBSECTIONS (1) TO (3), OR WHO DOES NOT APPEAR ON THE DATE  
9 FIXED PURSUANT TO SUBSECTION (2)(C) OR (3), IS GUILTY OF A  
10 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR  
11 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

12 Sec. 1334. (1) ~~The chief judge may excuse any juror or jurors~~  
13 ~~from attendance without pay for any portion of the term.~~ The chief  
14 judge shall excuse jurors from attendance on days when it is not  
15 expected that they will be required. ~~The chief judge may postpone~~  
16 ~~the service of a juror to a later term of court if the juror has~~  
17 ~~not been called for voir dire examination in any action.~~

18 (2) The judge presiding at the trial of an action may excuse  
19 jurors from attendance at that trial for cause.

20 Sec. 1335. (1) The chief judge of the court to which a person  
21 is returned as a juror may excuse the person from serving when it  
22 appears that the interests of the public ~~or of the individual~~  
23 ~~juror~~ will be materially injured by his or her attendance. ~~or the~~  
24 ~~health of the juror or that of a member of his or her family~~  
25 ~~requires his or her absence from court.~~

26 (2) The chief judge of the court to which a person is returned  
27 as a juror shall postpone the person's term of service until the

1 end of the school year if the person is a full-time student  
2 enrolled in and attending high school.

3 (3) UPON APPLICATION BY A PROSPECTIVE JUROR, THE CHIEF JUDGE  
4 MAY EXCUSE THAT INDIVIDUAL FROM JURY SERVICE FOR A PERIOD OF UP TO  
5 24 MONTHS, INSTEAD OF GRANTING A POSTPONEMENT, IN EITHER OF THE  
6 FOLLOWING SITUATIONS:

7 (A) THE PROSPECTIVE JUROR HAS A MENTAL OR PHYSICAL CONDITION  
8 THAT CAUSES HIM OR HER TO BE INCAPABLE OF PERFORMING JURY SERVICE.  
9 THE JUROR, OR THE JUROR'S PERSONAL REPRESENTATIVE, MUST PROVIDE THE  
10 COURT WITH DOCUMENTATION FROM A LICENSED PHYSICIAN VERIFYING THAT A  
11 MENTAL OR PHYSICAL CONDITION RENDERS THE PERSON UNFIT FOR JURY  
12 SERVICE FOR A PERIOD OF UP TO 24 MONTHS.

13 (B) JURY SERVICE WOULD CAUSE UNDUE OR EXTREME PHYSICAL OR  
14 FINANCIAL HARDSHIP TO THE PROSPECTIVE JUROR OR A PERSON UNDER THE  
15 PROSPECTIVE JUROR'S CARE OR SUPERVISION. AS USED IN THIS SECTION,  
16 "UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP" MEANS ANY OF THE  
17 FOLLOWING:

18 (i) THE PROSPECTIVE JUROR WOULD BE REQUIRED TO ABANDON A PERSON  
19 UNDER HIS OR HER PERSONAL CARE OR SUPERVISION DUE TO THE  
20 IMPOSSIBILITY OF OBTAINING AN APPROPRIATE SUBSTITUTE CAREGIVER  
21 DURING THE PERIOD OF PARTICIPATION IN THE JURY POOL OR ON THE JURY.

22 (ii) THE PROSPECTIVE JUROR WOULD INCUR COSTS THAT WOULD HAVE A  
23 SUBSTANTIAL ADVERSE IMPACT ON THE PAYMENT OF HIS OR HER NECESSARY  
24 DAILY LIVING EXPENSES OR ON THOSE FOR WHOM HE OR SHE PROVIDES THE  
25 PRINCIPAL MEANS OF SUPPORT.

26 (iii) THE PROSPECTIVE JUROR WOULD SUFFER PHYSICAL HARDSHIP THAT  
27 WOULD RESULT IN ILLNESS OR DISEASE.

1           (4) A JUDGE OF THE COURT FOR WHICH THE INDIVIDUAL WAS CALLED  
2 TO JURY SERVICE SHALL MAKE DETERMINATIONS AS TO UNDUE OR EXTREME  
3 PHYSICAL OR FINANCIAL HARDSHIP. THE AUTHORITY TO MAKE THESE  
4 DETERMINATIONS IS DELEGABLE ONLY TO COURT OFFICIALS OR PERSONNEL  
5 WHO ARE AUTHORIZED BY LAW TO FUNCTION AS MEMBERS OF THE JUDICIARY.

6           (5) A DETERMINATION OF UNDUE OR EXTREME PHYSICAL OR FINANCIAL  
7 HARDSHIP SHALL NOT BE BASED SOLELY ON THE FACT THAT A PROSPECTIVE  
8 JUROR WILL BE REQUIRED TO BE ABSENT FROM HIS OR HER PLACE OF  
9 EMPLOYMENT.

10          (6) A PROSPECTIVE JUROR ASKING A JUDGE TO GRANT AN EXCUSE  
11 BASED ON A FINDING OF UNDUE OR EXTREME PHYSICAL OR FINANCIAL  
12 HARDSHIP MUST TAKE ALL ACTIONS NECESSARY TO OBTAIN A RULING ON THAT  
13 REQUEST NO LATER THAN THE DATE ON WHICH THE INDIVIDUAL IS SCHEDULED  
14 TO APPEAR FOR JURY DUTY. THE PROSPECTIVE JUROR SHALL PROVIDE THE  
15 JUDGE WITH DOCUMENTATION, SUCH AS FEDERAL AND STATE INCOME TAX  
16 RETURNS, MEDICAL STATEMENTS FROM LICENSED PHYSICIANS, PROOF OF  
17 DEPENDENCY OR GUARDIANSHIP, OR SIMILAR DOCUMENTS, WHICH THE JUDGE  
18 FINDS TO CLEARLY SUPPORT THE REQUEST TO BE EXCUSED. FAILURE TO  
19 PROVIDE SATISFACTORY DOCUMENTATION SHALL RESULT IN A DENIAL OF THE  
20 REQUEST TO BE EXCUSED.

21          (7) EXCEPT AS PROVIDED IN SUBSECTION (8), A PERSON BECOMES  
22 ELIGIBLE ONCE AGAIN FOR QUALIFICATION AS A JUROR UPON THE  
23 EXPIRATION OF 24 MONTHS AFTER BEING EXCUSED UNDER THIS SECTION.

24          (8) A JUDGE MAY EXCUSE A PERSON FROM JURY SERVICE PERMANENTLY  
25 IF THE JUDGE DETERMINES THAT THE UNDERLYING GROUNDS FOR BEING  
26 EXCUSED ARE OF A PERMANENT NATURE.

27          Sec. 1337. When the court finds that a person in attendance at

1 court as a juror is not qualified to serve as a juror, or is exempt  
2 **UNDER SECTION 1307A** and claims an exemption, the court shall  
3 discharge him or her from further attendance and service as a  
4 juror.

5 Sec. 1343. The term of service of petit jurors shall be  
6 ~~determined by local court rule but shall not exceed the term of~~  
7 ~~court,~~ **NO LONGER THAN 1 COURT DAY** unless at the end of this period  
8 a juror is serving in connection with an unfinished case, in which  
9 event the juror shall continue to serve, in that case only, until  
10 the case in which he or she is serving is finished. Once commenced,  
11 the term of service shall be continuous except as provided in  
12 sections 1334 to 1336.

13 **SEC. 1344A. (1) THE SUPREME COURT SHALL PROMULGATE RULES TO**  
14 **ESTABLISH A LENGTHY TRIAL FUND THAT SHALL BE USED TO PROVIDE FULL**  
15 **OR PARTIAL WAGE REPLACEMENT OR WAGE SUPPLEMENTATION TO JURORS WHO**  
16 **SERVE AS PETIT JURORS FOR MORE THAN 10 DAYS. THE COURT RULES SHALL**  
17 **PROVIDE FOR THE FOLLOWING:**

18 (A) THE SELECTION AND APPOINTMENT OF AN ADMINISTRATOR FOR THE  
19 FUND.

20 (B) PROCEDURES FOR THE ADMINISTRATION OF THE FUND, INCLUDING  
21 PAYMENTS OF SALARIES OF THE ADMINISTRATOR AND OTHER NECESSARY  
22 PERSONNEL.

23 (C) PROCEDURES FOR THE ACCOUNTING, AUDITING, AND INVESTMENT OF  
24 MONEY IN THE FUND.

25 (D) A REPORT BY THE SUPREME COURT ON THE ADMINISTRATION OF THE  
26 FUND IN ITS ANNUAL REPORT ON THE JUDICIAL BRANCH, DETAILING THE  
27 MONEY COLLECTED FOR AND DISBURSED FROM THE FUND.

1           (2) IN ADDITION TO ANY OTHER FEES REQUIRED BY LAW, EACH TRIAL  
2 COURT IN THE STATE SHALL COLLECT FROM EACH ATTORNEY WHO FILES A  
3 CIVIL ACTION, UNLESS OTHERWISE EXEMPTED UNDER THIS SECTION, A FEE  
4 OF \$10.00 PER CASE TO BE PAID INTO THE LENGTHY TRIAL FUND. AN  
5 ATTORNEY IS CONSIDERED TO HAVE FILED A CASE WHEN THE FIRST PLEADING  
6 OR OTHER FILING ON WHICH AN INDIVIDUAL ATTORNEY'S NAME APPEARS IS  
7 SUBMITTED TO THE COURT FOR FILING AND OPENS A NEW CASE. THE FEES  
8 SHALL BE FORWARDED TO THE ADMINISTRATOR OF THE LENGTHY TRIAL FUND  
9 FOR DEPOSIT IN THE FUND.

10           (3) THE ADMINISTRATOR SHALL USE THE MONEY IN THE LENGTHY TRIAL  
11 FUND TO PAY FULL OR PARTIAL WAGE REPLACEMENT OR SUPPLEMENTATION TO  
12 JURORS WHOSE EMPLOYERS PAY LESS THAN FULL REGULAR WAGES WHEN THE  
13 PERIOD OF JURY SERVICE LASTS MORE THAN 10 DAYS. ONLY JURY SERVICE  
14 OCCURRING AFTER THE EFFECTIVE DATE OF THIS SECTION QUALIFIES FOR  
15 PAYMENT UNDER THIS SECTION.

16           (4) THE COURT MAY PAY REPLACEMENT OR SUPPLEMENTAL WAGES OF UP  
17 TO \$300.00 PER DAY PER JUROR BEGINNING ON THE ELEVENTH DAY OF JURY  
18 SERVICE. IN ADDITION, FOR ANY JURORS WHO QUALIFY FOR THE PAYMENT BY  
19 VIRTUE OF HAVING SERVED ON A JURY FOR MORE THAN 10 DAYS, THE COURT,  
20 UPON FINDING THAT THE JUROR'S SERVICE POSED A SIGNIFICANT FINANCIAL  
21 HARDSHIP, EVEN IN LIGHT OF PAYMENTS MADE WITH RESPECT TO JURY  
22 SERVICE AFTER THE TENTH DAY, MAY AWARD REPLACEMENT OR SUPPLEMENTAL  
23 WAGES OF UP TO \$100.00 PER DAY FROM THE FOURTH TO THE TENTH DAY OF  
24 JURY SERVICE.

25           (5) A JUROR WHOSE JURY SERVICE QUALIFIES FOR PAYMENT FROM THE  
26 LENGTHY TRIAL FUND MAY SUBMIT A REQUEST FOR PAYMENT FROM THE  
27 LENGTHY TRIAL FUND ON A FORM PROVIDED BY THE ADMINISTRATOR. PAYMENT

1 IS LIMITED TO THE DIFFERENCE BETWEEN THE STATE-PAID JURY FEE AND  
2 THE ACTUAL AMOUNT OF WAGES A JUROR EARNS, UP TO THE MAXIMUM LEVEL  
3 PAYABLE, MINUS ANY AMOUNT THE JUROR ACTUALLY RECEIVES FROM THE  
4 EMPLOYER DURING THE SAME PERIOD.

5 (6) THE FORM PROVIDED BY THE ADMINISTRATOR SHALL REQUIRE  
6 DISCLOSURE OF THE JUROR'S REGULAR WAGES, THE AMOUNT THE EMPLOYER  
7 WILL PAY DURING THE TERM OF JURY SERVICE STARTING ON THE ELEVENTH  
8 DAY AND AFTER, THE AMOUNT OF REPLACEMENT OR SUPPLEMENTAL WAGES  
9 REQUESTED, AND ANY OTHER INFORMATION THE ADMINISTRATOR CONSIDERS  
10 NECESSARY.

11 (7) BEFORE RECEIVING PAYMENT FROM THE FUND, THE JUROR ALSO  
12 SHALL BE REQUIRED TO SUBMIT VERIFICATION FROM HIS OR HER EMPLOYER  
13 AS TO THE WAGE INFORMATION PROVIDED TO THE ADMINISTRATOR. FOR  
14 EXAMPLE, THE JUROR MAY BE REQUIRED TO SUBMIT HIS OR HER MOST RECENT  
15 EARNINGS STATEMENT OR SIMILAR DOCUMENT.

16 (8) IF AN INDIVIDUAL IS SELF-EMPLOYED OR RECEIVES COMPENSATION  
17 OTHER THAN WAGES, THE INDIVIDUAL MAY PROVIDE A SWORN AFFIDAVIT  
18 ATTESTING TO HIS OR HER APPROXIMATE GROSS WEEKLY INCOME, TOGETHER  
19 WITH ANY OTHER INFORMATION THE ADMINISTRATOR MAY REQUIRE, IN ORDER  
20 TO TO VERIFY WEEKLY INCOME.

21 (9) THE FOLLOWING ATTORNEYS AND CAUSES OF ACTION ARE EXEMPT  
22 FROM PAYMENT OF THE LENGTHY TRIAL FUND FEE:

23 (A) GOVERNMENT ATTORNEYS ENTERING APPEARANCES IN THE COURSE OF  
24 THEIR OFFICIAL DUTIES.

25 (B) PRO SE LITIGANTS.

26 (C) CASES IN THE SMALL CLAIMS DIVISION OF DISTRICT COURT.

27 (D) CLAIMS SEEKING SOCIAL SECURITY DISABILITY DETERMINATIONS;

1 INDIVIDUAL VETERANS' COMPENSATION OR DISABILITY DETERMINATIONS;  
2 RECOUPMENT ACTIONS FOR GOVERNMENT-BACKED EDUCATIONAL LOANS OR  
3 MORTGAGES; CHILD CUSTODY AND SUPPORT CASES; ACTIONS BROUGHT IN  
4 FORMA PAUPERIS; AND ANY OTHER FILINGS DESIGNATED BY RULE THAT  
5 INVOLVE MINIMAL USE OF COURT RESOURCES AND THAT CUSTOMARILY ARE NOT  
6 AFFORDED THE OPPORTUNITY FOR A TRIAL BY JURY.

7 Sec. 1346. The following acts are punishable by the circuit  
8 court as contempts of court:

9 (a) Failing to answer the questionnaire provided for in  
10 section 1313.

11 (b) Failing to appear before the board or a member of the  
12 board, without being excused at the time and place notified to  
13 appear.

14 (c) Refusing to take an oath or affirmation.

15 (d) Refusing to answer questions pertaining to his or her  
16 qualifications as a juror, when asked by a member of the board.

17 ~~—— (e) Failing to attend court, without being excused, at the~~  
18 ~~time specified in the notice, or from day to day, when summoned as~~  
19 ~~a juror.~~

20 (E) ~~—(f)—~~ Giving a false certificate, making a false  
21 representation, or refusing to give information that he or she can  
22 give affecting the liability or qualification of a person other  
23 than himself or herself to serve as a juror.

24 (F) ~~—(g)—~~ Offering, promising, paying, or giving money or  
25 anything of value to, or taking money or anything of value from, a  
26 person, firm, or corporation for the purpose of enabling himself or  
27 herself or another person to evade service or to be wrongfully

1 discharged, exempted, or excused from service as a juror.

2 (G) ~~—(h)—~~ Tampering unlawfully in any manner with a jury list  
3 or the jury selection process.

4 (H) ~~—(i)—~~ Willfully doing or omitting to do an act with the  
5 design to subvert the purpose of this act.

6 (I) ~~—(j)—~~ Willfully omitting to put on the jury list the name  
7 of a person qualified and liable for jury duty.

8 (J) ~~—(k)—~~ Willfully omitting to prepare or file a list or  
9 slip.

10 (K) ~~—(l)—~~ Doing or omitting to do an act with the design to  
11 prevent the name of a person qualified and liable to serve as a  
12 juror from being placed on a jury list or from being selected for  
13 service as a juror.

14 (L) ~~—(m)—~~ Willfully placing the name of a person upon a list  
15 who is not qualified as a juror.

16 Sec. 1348. (1) An employer or the employer's agent, who  
17 threatens to discharge or discipline or who discharges,  
18 disciplines, or causes to be discharged from employment or to be  
19 disciplined, **OR TAKES ANY ADVERSE EMPLOYMENT ACTION AGAINST**, a  
20 person because that person is summoned for jury duty, serves on a  
21 jury, or has served on a jury, is guilty of a misdemeanor ~~—~~ and  
22 may also be punished for contempt of court.

23 (2) An employer or the employer's agent who requires a person  
24 having jury duty to work any number of hours during a day which, if  
25 added to the number of hours ~~—which—~~ **THAT** the person spends on jury  
26 duty during that day, exceeds the number of hours normally and  
27 customarily worked by the person during a day ~~—~~ or the number of

1 hours normally and customarily worked by the person during a day  
2 ~~which~~ **THAT** extends beyond the normal and customary quitting time  
3 of that person unless voluntarily agreed to by that person — or  
4 as provided in a collective bargaining agreement is guilty of a  
5 misdemeanor — and may also be punished for contempt of court.

6 (3) AN EMPLOYER SHALL NOT REQUIRE AN EMPLOYEE TO USE ANNUAL,  
7 VACATION, OR SICK LEAVE FOR TIME SPENT RESPONDING TO A SUMMONS FOR  
8 JURY DUTY, TIME SPENT PARTICIPATING IN THE JURY SELECTION PROCESS,  
9 OR TIME SPENT ACTUALLY SERVING ON A JURY. THIS SUBSECTION DOES NOT  
10 REQUIRE AN EMPLOYER TO PROVIDE ANNUAL, VACATION, OR SICK LEAVE TO  
11 EMPLOYEES UNDER THIS ACT WHO OTHERWISE ARE NOT ENTITLED TO THOSE  
12 BENEFITS UNDER COMPANY POLICIES.

13 (4) A COURT SHALL AUTOMATICALLY POSTPONE AND RESCHEDULE THE  
14 SERVICE OF A SUMMONED JUROR OF AN EMPLOYER WITH 5 OR FEWER FULL-  
15 TIME EMPLOYEES, OR THEIR EQUIVALENT, IF ANOTHER EMPLOYEE OF THAT  
16 EMPLOYER HAS PREVIOUSLY BEEN SUMMONED TO APPEAR DURING THE SAME  
17 PERIOD. THAT POSTPONEMENT DOES NOT AFFECT AN INDIVIDUAL'S RIGHT TO  
18 1 AUTOMATIC POSTPONEMENT UNDER SECTION 1333.