

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0426.01 Chris Forsyth

HOUSE BILL 00-1115

STATE OF COLORADO

BY REPRESENTATIVE Takis;
also SENATOR Tanner.

A BILL FOR AN ACT

101 CONCERNING EXCUSE OF CERTAIN PERSONS FROM JURY SERVICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the court or the jury commissioner, to excuse any trial or grand juror who is 70 years of age or older and who lives 8 miles or more from the location of jury service upon request any time prior to impaneling of the jury.

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

2 **SECTION 1.** 13-71-119, Colorado Revised Statutes, is amended
3 to read:

4 **13-71-119. Deferments, excuses, and limitations.** It shall be the
5 policy of this article that every trial juror shall be prepared to serve three
6 trial days, except upon a finding of extreme hardship. The court or the
7 jury commissioner may defer or advance the term of service of the trial
8 or grand juror upon a finding of hardship or inconvenience. The court
9 may excuse a juror from grand juror service upon a finding of hardship
10 or inconvenience, taking into consideration the length of grand juror
11 service. THE COURT OR THE JURY COMMISSIONER, UPON THE REQUEST OF

1 ANY TRIAL OR GRAND JUROR WHO IS SEVENTY YEARS OF AGE OR OLDER
2 AND WHO LIVES MORE THAN EIGHT MILES FROM THE TRIAL OR GRAND JURY
3 LOCATION, SHALL EXCUSE SUCH JUROR FROM SERVICE AT ANY STAGE
4 PRIOR TO IMPANELING THE TRIAL OR GRAND JURY. The court may excuse
5 a juror from trial juror service upon a finding of extreme hardship. The
6 court may dismiss a trial or grand juror at any time in the best interest of
7 justice. The court, after a hearing, may excuse and discharge an
8 impaneled juror prior to jury deliberation upon a finding of extreme
9 hardship, and such discharge shall not be grounds for objection or a
10 mistrial as long as the statutorily or constitutionally required number of
11 jurors remain able to proceed with the trial and deliberation. The court,
12 after a hearing, may excuse and discharge a juror participating in jury
13 deliberation only upon a finding of an emergency or for any other
14 compelling reason. If the statutorily or constitutionally required number
15 of jurors does not remain to hear evidence or to participate in jury
16 deliberation after the discharge of a juror, the trial may continue with the
17 lesser number of jurors only upon agreement of all parties on the record.
18 The court may discharge an impaneled juror who has not appeared for
19 juror service upon a finding that there is a strong likelihood that an
20 unreasonable delay in the trial would occur if the court were to await the
21 appearance of the juror. The court may exercise any authority granted in
22 this section at any time before or during a juror's term of service.

23 **SECTION 2. Effective date.** This act shall take effect at 12:01
24 a.m. on the day following the expiration of the ninety-day period after
25 final adjournment of the general assembly that is allowed for submitting
26 a referendum petition pursuant to article V, section 1 (3) of the state

1 constitution; except that, if a referendum petition is filed against this act
2 or an item, section, or part of this act within such period, then the act,
3 item, section, or part, if approved by the people, shall take effect on the
4 date of the official declaration of the vote thereon by proclamation of the
5 governor.