

SENATE BILL 2332

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 21, Part 4; Title 9, Chapter 4; Title 22 and Title 39, Chapter 16, Part 5, relative to jury service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 22, Chapter 4, Part 1, is amended by adding the following as a new section:

22-4-108.

(a) There is created in the state treasury a fund to be known as the "lengthy trial fund." Moneys shall be deposited to the fund as provided by law and shall be invested for the benefit of the fund pursuant to § 9-4-603. Moneys in the fund shall not revert to the general fund of the state, but shall remain available and be appropriated exclusively for providing compensation under this section.

(b) The clerk of the court shall collect from each attorney who files a civil case, unless otherwise exempted under subsection (f), a fee of ten dollars (\$10.00) per case to be paid into the lengthy trial fund.

(c) Fees deposited in the lengthy trial fund shall be used to pay full or partial wage replacement or supplementation to jurors who serve on a petit jury and whose employers pay less than full regular wages when the period of jury service lasts more than ten (10) days.

(d) A court may pay replacement or supplemental wages of up to two hundred dollars (\$200) per day per juror beginning on the eleventh day of jury service. In addition, for any jurors who qualify for payment by serving on a petit jury for more than ten (10) days, the court may, upon finding that such service

posed a significant financial hardship to a juror, even in light of payments made with respect to jury service after the tenth day, award replacement or supplemental wages up to fifty dollars (\$50.00) per day from the fourth to the tenth day of jury service.

(e)

(1) Any juror who is serving or has served on a jury that qualifies for payment from the lengthy trial fund, and whose service commenced on or after July 1, 2014, may submit a request for payment from the lengthy trial fund on a form provided by the clerk of the court.

(2) Payment shall be limited to the difference between the state-paid jury fee and the actual amount of wages a juror earns, up to the maximum level payable, minus any amount the juror actually receives from the employer during the same time period.

(3) The form shall disclose:

(A) The juror's regular wages;

(B) The amount the employer will pay or did pay during the jury service starting on the eleventh day and thereafter;

(C) The amount of replacement or supplemental wages requested; and

(D) Any other information required by law or deemed necessary by the clerk of the court for proper payment.

(4)

(A) The juror shall submit verification from the employer as to the wage information provided to the clerk of the court, including the employee's most recent earnings statement or similar document, prior to initiation of payment from the fund.

(B) If the juror is self-employed or receives compensation other than wages, the juror may provide a sworn affidavit attesting

to the juror's approximate gross weekly income, together with such other information required by law or deemed necessary by the clerk of the court to verify weekly income.

(f) The following attorneys and causes of action are exempt from payment of the lengthy trial fund fee:

(1) Government attorneys entering appearances in the course of their official duties;

(2) Pro se litigants;

(3) Cases in a court of general sessions;

(4) Cases in juvenile court;

(5) Claims seeking social security disability determinations, individual veterans' compensation or disability determinations;

(6) Recoupment actions for government backed mortgages or educational loans;

(7) Child custody and support cases;

(8) Actions brought in forma pauperis; and

(9) Any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for trial by jury.

SECTION 2. Tennessee Code Annotated, Section 8-21-401(i), is amended by adding the following as a new, appropriately designated subdivision:

() In all cases in all probate, circuit, or chancery courts, the clerk shall collect a fee of ten dollars (\$10.00) to be paid into the lengthy trial fund pursuant to § 22-4-108, unless otherwise exempted under § 22-4-108(f).

SECTION 3. Tennessee Code Annotated, Title 22, Chapter 1, Part 1, is amended by adding the following as a new section:

22-1-107. No person may be required to render service as a petit juror for more than one (1) day in any one (1) calendar year unless the person is selected to serve in a trial or is under consideration to serve in a trial and such consideration covers a period of two (2) or more days.

SECTION 4. Tennessee Code Annotated, Title 22, Chapter 2, Part 3, is amended by adding the following as a new section:

22-2-317. Upon notification by an employer with five (5) or fewer full-time employees, a court shall postpone and reschedule the service of a summoned juror who is employed by the employer, if another employee of that employer has previously been summoned to appear during that same period. Such postponement does not affect a person's right to one (1) postponement pursuant to § 22-2-315(a).

SECTION 5. Tennessee Code Annotated, Section 22-2-309, is amended by deleting the language "pursuant to § 22-2-315" and by substituting instead the language "pursuant to § 22-2-315 or § 22-2-317".

SECTION 6. Tennessee Code Annotated, Section 22-2-306(a), is amended by adding the following as a new, appropriately designated subdivision:

() Process by which the juror's employer may request a postponement of jury service pursuant to § 22-2-317;

SECTION 7. Tennessee Code Annotated, Section 22-2-306(a)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3)

(A) A list of available dates, each with a corresponding time and place, from which a person may select a fixed date for the person's appearance for jury service;

(B) The method by which the juror is required to contact the jury coordinator to select a fixed date or otherwise respond to the court regarding the juror's service;

(C) The deadline for contacting the jury coordinator for selecting a fixed date and a statement that date selection is on a first-come, first-served basis; and

(D) A fixed date, time, and place the juror is required to appear in response to the summons if the juror does not select a fixed date with the concurrence of the jury coordinator;

SECTION 8. Tennessee Code Annotated, Section 22-2-307(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) The sheriff shall summon jurors by first class mail sent to the regular address of each member of the jury pool, giving notice of such person's selection for jury duty. The summons shall be mailed to the regular address at least thirty (30) days prior to the first available date for the person's appearance for jury service.

SECTION 9. This act shall take effect July 1, 2014, the public welfare requiring it.