

# House Bill 3171

Sponsored by Representatives OLSON, BARKER; Representatives GARRETT, THOMPSON, WHISNANT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that judge or clerk of court may not defer jury service for person more than once unless person seeks deferral for specified emergency and person could not have anticipated circumstances when first deferral was granted.

Provides that employer may not require that employee use vacation leave, sick leave or annual leave for time spent by employee in responding to summons for jury duty and that employer must allow employee to take leave without pay for time spent by employee in responding to summons for jury duty.

## A BILL FOR AN ACT

1  
2 Relating to jury service; creating new provisions; and amending ORS 10.055 and 10.090.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 10.055 is amended to read:

5 10.055. (1) A judge of the court or clerk of court may allow, for good cause shown, a person  
6 summoned to serve as a juror for a particular jury service term to defer jury service to any other  
7 term beginning within one year after the end of the term for which the person was summoned. **Ex-**  
8 **cept as provided in this section, a judge or clerk may not allow more than one deferral to a**  
9 **person under this section.** The name of a person allowed to defer jury service shall be included  
10 with the names of persons to be summoned as jurors for the subsequent term to which jury service  
11 is deferred.

12 (2) **A judge or clerk may allow more than one deferral of jury duty under this section**  
13 **only if the person seeks the deferral because of one of the following circumstances, and the**  
14 **person could not have anticipated the circumstances at the time the first deferral was**  
15 **granted:**

16 (a) **A death in the person's family;**

17 (b) **The person is suffering from a serious illness;**

18 (c) **A natural disaster or national emergency in which the person is personally involved;**

19 **or**

20 (d) **Some other extreme emergency.**

21 (3) **A person requesting a second deferral under subsection (2) of this section must pro-**  
22 **vide a list of not less than 10 dates within the six-month period following the date of the**  
23 **request on which the person would be able to commence jury duty.**

24 **SECTION 2.** The amendments to ORS 10.055 by section 1 of this 2009 Act apply to all re-  
25 **quests for deferral of jury service made on or after the effective date of this 2009 Act.**

26 **SECTION 3.** ORS 10.090 is amended to read:

27 10.090. (1) An employer shall not discharge or threaten to discharge, intimidate, or coerce any  
28 employee by reason of the employee's service or scheduled service as a juror on a grand jury, trial

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 jury or jury of inquest.

2 **(2) An employer may not require that an employee use vacation leave, sick leave or an-**  
3 **ual leave for time spent by the employee in responding to a summons for jury duty, and the**  
4 **employer shall allow the employee to take leave without pay for time spent by the employee**  
5 **in responding to a summons for jury duty.**

6 [(2)] (3) This section shall not be construed to alter or affect an employer's policies or agree-  
7 ments with employees concerning employees' wages during times when an employee serves or is  
8 scheduled to serve as a juror.

9 [(3)] (4) When summoning jurors, the person whose duty it is under the law to summon shall  
10 notify each juror of the juror's rights under this section.

11 [(4)] (5) Upon complaint filed by a prospective juror or a juror who has served or upon petition  
12 of the district attorney, the circuit court shall have jurisdiction to prevent and restrain violations  
13 of this section by issuing appropriate orders, including but not limited to, reinstatement of an em-  
14 ployee discharged by reason of service as a juror, with back pay for the time the employee was  
15 discharged.

16 **SECTION 4. The amendments to ORS 10.090 by section 3 of this 2009 Act apply only to**  
17 **leave taken by employees in response to a summons for jury service issued on or after the**  
18 **effective date of this 2009 Act.**

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