

Legislative Analysis



EXEMPT ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES FROM JURY SERVICE

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House Bill 4850 (H-1) as reported from committee
Sponsor: Rep. Carol Glanville
Committee: Criminal Justice
Complete to 10-17-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 308 of 2023)

SUMMARY:

House Bill 4850 would amend the Revised Judicature Act to allow service members of the U.S. Armed Forces to claim exemption from jury service while they are on active duty and provide that they must be exempt upon making the request and providing a copy of their orders. Similarly, the spouse of a service member could claim exemption from jury service while living outside Michigan because of the service member's active duty status, and they would be exempt upon making the request and providing a copy of the service member's orders.

MCL 600.1307a

BRIEF DISCUSSION:

The Revised Judicature Act currently allows individuals who are over 70, nursing mothers, or participants under the Address Confidentiality Protection Act¹ to claim exemptions from jury service. While active-duty service members are not automatically exempt under Michigan law, federal law provides that a member of the armed forces on active duty cannot be required to serve on a state or local jury if, in the judgment of the service member's commanding officer, doing so would either interfere unreasonably with the service member's military duties or adversely affect the readiness of the unit, command, or activity the service member is assigned to.² All general and flag officers, commanding officers, and personnel assigned to the operating forces, in a training status, or stationed outside the United States are always exempt under these provisions.³ With regard to federal jury service, members of the armed forces and national guard are exempt when on active duty.⁴ Several states similarly exempt them.

According to committee testimony, fulfilling this particular civic duty can at times create a hardship for those serving in the military. They must request time off duty, coordinate and pay for travel arrangements, and be available for the selection process—where they might be told that they haven't been selected after all. While summoned jurors can ask for a hardship exemption, there is no guarantee that one will be granted, and if it is not, for a member of the military serving out of state, the window in which to make travel arrangements is then that much shorter and their cost correspondingly higher. Supporters of the bill argue that allowing service members on active duty to request an automatic exemption from jury duty would not only alleviate the hardships that come from these distinctive circumstances, but also would

¹ See <http://legislature.mi.gov/doc.aspx?mcl-Act-301-of-2020>

² <https://www.law.cornell.edu/uscode/text/10/982>

³ <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/552508p.pdf>

⁴ <https://www.uscourts.gov/services-forms/jury-service/juror-qualifications-exemptions-and-excuses>

demonstrate appreciation and respect for the civic-mindedness these individuals are demonstrating every day through their military service.

In addition, it was noted in committee testimony that spouses of service members often face the same obstacles and hardships in responding to a Michigan jury summons. The H-1 substitute reported from House committee also allows an exemption from jury duty for service member spouses who are living out of state where their spouse is stationed.

FISCAL IMPACT:

House Bill 4850 would have no fiscal impact on the state or local units of government.

POSITIONS:

The State Bar of Michigan indicated support for the bill. (10-3-23)

The State Court Administrative Office indicated a neutral position on the bill. (10-10-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.