

SENATE BILL 2087

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 22, Chapter 1 and Title 63, Chapter 5, Part 1, relative to jury service.

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

SECTION 1. Tennessee Code Annotated, Section 22-1-101, is amended by deleting the section in its entirety and substituting instead the following:

It is policy of this state that all qualified citizens have an obligation to serve on petit juries or grand juries when summoned by the courts of this state, unless excused or exempt as provided by law. Except as otherwise provided by law, every person eighteen (18) years of age, being a citizen of the United States, and a resident of this state, and of the county in which the person may be summoned for jury service for a period of twelve (12) months next preceding the date of the summons, is legally qualified to act as a grand or petit juror, if not otherwise incompetent under the express provisions of this title.

SECTION 2. Tennessee Code Annotated, Title 22, Chapter 1, Part 1, is amended by adding the following new section:

Section 22-1-107.

(a) The following persons are exempt from liability to act as jurors:

(1) All persons holding office under the laws of the United States, or of this state;

(2) All practicing attorneys, certified public accountants, public accountants, physicians, dentists and clergy;

(3) All acting professors or teachers of any college, school or institution of learning;

(4) All members of fire companies and all full-time law enforcement officers;

(5) All persons over sixty-five (65) years of age, disabled by bodily infirmity or specially exempted by any other positive law;

(6) All pharmacists registered under and in accordance with the laws of the state;

(7) All persons not in the full possession of the senses of hearing or seeing; and

(8) All practicing registered professional nurses upon written confirmation by the hospital administrator that jury duty service would compromise patient care.

(b) Service in the national guard shall be accepted in lieu of all jury duty while actually in the military service of the state.

(c) Any exemption from liability to act as a juror under this section shall only exist to exempt such person from the initial summons to serve. Upon receipt of such summons any person exempt under this section shall notify the clerk of the court issuing the summons, informing the clerk of a seven-day period such person will be available to serve as a juror within the next twelve-month period from the date of the summons. Such exempt person shall only be required to serve on one (1) jury during the seven-day period.

(d) Notwithstanding subsection (c), complete exemption from liability to act as a juror under this section shall continue to exist for individuals who operate their business as sole proprietors. For purposes of this subsection (d), "sole

proprietor” means a professional who conducts a practice and who does not have a partner or replacement. “Sole proprietor” includes, but is not limited to, physicians, dentists, attorneys and pharmacists who operate solo practices.

(e) The judge shall make proper inquiry of a person exercising the right provided by this section to inform the clerk of a period when such person is available for jury service to ensure that such person is not selecting a particular period of availability for the sole purpose of becoming a juror on a specific civil or criminal proceeding before the court.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 63-5-123.

(a) All sole proprietor dentists who conduct a practice and who do not have a partner or replacement, dentists serving in the national guard and dentists employed as professors or teachers by any college, school or institution of higher learning shall be exempt from service as jurors in any of the courts.

(b) Dentists other than sole proprietors shall only be exempt from the initial summons to jury duty service by any of the courts if, upon receipt of such summons, dentists notify the clerk of the court issuing the summons, informing the clerk of a seven-day period such dentist will be available to serve as a juror, within the next twelve-month period from the date of the summons. Such dentist shall only be required to serve on one (1) jury during the seven-day period.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.