

Legislative Analysis



POSTPONE JURY DUTY UNTIL END OF YEAR FOR FULL-TIME COLLEGE STUDENTS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5783 as introduced
Sponsor: Rep. Mark Meadows
Committee: Judiciary

First Analysis (3-10-10)

BRIEF SUMMARY: The bill would require a court to postpone the jury service of a student who is a full-time college student until the end of the school year.

FISCAL IMPACT: House Bill 5783 would have no fiscal impact on the judicial branch or local units of government.

THE APPARENT PROBLEM: Because absences due to jury duty are not always considered excused, college students serving on juries may end up falling behind in the coursework, or even being penalized for their absence, as a result of their service. Michigan law currently requires the jury service of students who are enrolled in and attending high school full time to be postponed until the end of the school year. It has been suggested that this provision should be extended to full-time students enrolled in and attending a college, community college, or university.

THE CONTENT OF THE BILL:

The bill would amend Section 1335(2) of the Revised Judicature Act of 1961, MCL 600.1335(2), which requires the chief judge of a court to postpone a person's term of jury service until the end of the school year if the person is enrolled in and attending high school full time. The bill would extend this provision to full-time students who are enrolled in and attending a college, community college, or university.

ARGUMENTS:

For:

Serving on a jury during a school year may impose severe academic and financial costs on college or university students. Because absences due to jury duty are not always considered excused, students serving on juries may end up failing their courses as a result of their service. Repeating failed courses, if allowed, could be very expensive. For example, a Michigan State University College of Law student testified that after he was called for jury duty in his hometown of Portage, Michigan, he learned that his school did not consider absences for jury duty to be excused. If he had not been able to postpone his jury duty, and if it had lasted more than two weeks, he would have failed his courses under his school's strict attendance policy designed to conform to an American Bar Association standard for law school attendance. He estimated the cost of retaking a semester of law school at about \$25,000.

Although college students called for jury duty may petition the court for a material hardship exception or deferral under other provisions, not all judges are sympathetic to such requests. For example, the *Detroit Free Press* recently reported that a Wayne State University Medical School student was detained for days by a court after seeking relief from jury service due to his upcoming midterm exams.

It is common for college students to live in one location while attending school, yet have a permanent residence in a different city or state where they could be called for jury duty. In this situation, jury service may be especially difficult.

Given the current emphasis on encouraging more Michigan residents to pursue higher education, jury duty deferral rules should allow full-time students to both pursue higher education and serve on juries. The bill strikes the right balance: instead of excusing college students from serving on juries altogether, it would allow them to serve at the end of the academic year.

POSITIONS:

A Michigan State University College of Law student testified in support of the bill. (3-10-10)

Legislative Analyst: Susan Stutzky
Shannan Kane
Fiscal Analyst: Ben Gielczyk

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