

O.C.G.A. § 15-12-1.1

OFFICIAL CODE OF GEORGIA ANNOTATED
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*** Current Through the 2012 Regular Session ***
*** Annotations Current Through November 9, 2012 ***

TITLE 15. COURTS
CHAPTER 12. JURIES
ARTICLE 1. GENERAL PROVISIONS

GO TO GEORGIA STATUTES ARCHIVE DIRECTORY

O.C.G.A. § 15-12-1.1 (2012)

§ 15-12-1.1. Exemptions from jury duty

(a) (1) Any person who shows that he or she will be engaged during his or her term of jury duty in work necessary to the public health, safety, or good order or who shows other good cause why he or she should be exempt from jury duty may have his or her **jury service** deferred or excused by the judge of the court to which he or she has been summoned or by some other person who has been duly appointed by order of the chief judge to excuse jurors. Such a person may exercise such authority only after the establishment by court order of guidelines governing excuses. Any order of appointment shall provide that, except for permanently mentally or physically disabled persons, all excuses shall be deferred to a date and time certain within that term or the next succeeding term or shall be deferred as set forth in the court order. It shall be the duty of the court to provide affidavits for the purpose of requesting a deferral of or excusal from **jury service** pursuant to this subsection.

(2) Notwithstanding paragraph (1) of this subsection, any person who is a full-time student at a college, university, vocational school, or other postsecondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred from jury duty shall be excused or deferred from jury duty.

(3) Notwithstanding paragraph (1) of this subsection, any person who is the primary caregiver having active care and custody of a child six years of age or younger, who executes an affidavit on a form provided by the court stating that such person is the primary caregiver having active care and custody of a child six years of age or younger and stating that such person has no reasonably available alternative child care, and who requests to be excused or deferred shall be excused or deferred from jury duty.

(4) Notwithstanding paragraph (1) of this subsection, any person who is a primary teacher in a home study program as defined in subsection (c) of Code Section 20-2-690 who, during the period of time the person is teaching, requests to be excused or deferred from jury duty and executes an affidavit on a form provided by the court stating that such person is the primary teacher in a home study program and stating that such person has no reasonably available alternative for the child or children in the home study program shall be excused or deferred from jury duty.

(5) Notwithstanding paragraph (1) of this subsection, any person who is the primary unpaid caregiver for a person over the age of six; who executes an affidavit on a form provided by the court stating that such primary caregiver is responsible for the care of a person with such physical or cognitive limitations that he or she is unable to care for himself or herself and

cannot be left unattended and that the primary caregiver has no reasonably available alternative to provide for the care; and who requests to be excused or deferred shall be excused or deferred from jury duty. Any person seeking the exemption shall furnish to the court, in addition to the aforementioned affidavit, a statement of a physician, or other medical provider, supporting the affidavit's statements related to the medical condition of the person with physical or cognitive limitations.

(b) Any person who is 70 years of age or older shall be entitled to request that the clerk excuse such person from **jury service** in the county. Upon such request, the board of jury commissioners shall inactivate such person. The request for excusal shall be made to the board or clerk in writing and shall be accompanied by an affidavit providing the person's name, age, and such other information as the board may require. The board of jury commissioners of each county shall make available affidavit forms for the purposes of this subsection.

(c) (1) As used in this subsection, the term:

(A) "Ordered military duty" means any military duty performed in the service of the state or of the United States, including, but not limited to, attendance at any service school or schools conducted by the armed forces of the United States which requires a service member to be at least 50 miles from his or her home.

(B) "Service member" means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

(2) Any service member on ordered military duty or the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of a copy of a valid military identification card and execution of an affidavit in the form required by the court for deferral or excusal under this paragraph.

(d) The court shall notify the clerk of its excuse or deferment of a person's **jury service**.

HISTORY: Laws 1843, Cobb's 1851 Digest, p. 1074; Code 1863, § 3845; Code 1868, § 3865; Ga. L. 1871-72, p. 29, §§ 1-3; Ga. L. 1872, p. 33, § 1; Ga. L. 1873, p. 31, § 1; Code 1873, § 3939; Ga. L. 1874, p. 46, § 1; Ga. L. 1874, p. 91, § 4; Ga. L. 1875, p. 96, § 1; Ga. L. 1875, p. 98, § 1; Ga. L. 1876, p. 16, § 1; Ga. L. 1878-79, p. 171, § 1; Ga. L. 1880-81, p. 112, § 1; Ga. L. 1880-81, p. 114, § 1; Code 1882, § 3939; Ga. L. 1884-85, p. 74, § 12; Ga. L. 1884-85, p. 94, § 1; Ga. L. 1884-85, p. 102, § 1; Ga. L. 1890-91, p. 219, § 1; Penal Code 1895, § 867; Ga. L. 1899, p. 69, § 1; Ga. L. 1905, p. 105, § 1; Penal Code 1910, § 871; Code 1933, § 59-112; Ga. L. 1953, Nov.-Dec. Sess., p. 284, § 2; Ga. L. 1953, Nov.-Dec. Sess., p. 328, § 1; Ga. L. 1967, p. 725, §§ 1, 2; Ga. L. 1975, p. 779, § 1; Ga. L. 1978, p. 221, §§ 1, 2; Ga. L. 1978, p. 1379, § 1; Ga. L. 1984, p. 1697, § 1; Ga. L. 1985, p. 512, § 1; Ga. L. 2000, p. 1682, § 1; Ga. L. 2005, p. 213, § 1/SB 258; Ga. L. 2006, p. 124, § 1/HB 376; Ga. L. 2007, p. 47, § 15/SB 103; Ga. L. 2008, p. 343, § 1/HB 188; Code 1981, § 15-12-1.1, as redesignated by Ga. L. 2011, p. 59, § 1-5/HB 415.

NOTES: THE 2011 AMENDMENT, effective July 1, 2011, redesignated former Code Section 15-12-1 as present Code Section 15-12-1.1; in paragraph (a)(1), substituted "may have his or her **jury service** deferred or excused" for "may be excused" in the first sentence, and added the last sentence; deleted the former last sentence in paragraph (a)(3), which read: "It shall be the duty of the court to provide affidavits for the purpose of this paragraph and paragraph (4) of this subsection."; deleted the former last sentence in paragraph (a)(5), which read: "It shall be the duty of the court to provide affidavits for the purpose of this paragraph."; in subsection (b), substituted "request that the clerk excuse such person from **jury service** in" for "request the board of jury commissioners to remove such person's name from the jury list of" in the first sentence, in the second sentence, inserted a comma and substituted "shall inactivate such

person" for "shall be authorized and directed to remove the person's name from the jury list", and in the third sentence, inserted "for excusal", deleted "its" preceding "clerk" and substituted "providing" for "giving"; inserted the commas throughout subparagraph (c)(1)(A); substituted "armed forces" for "Armed forces" in subparagraph (c)(1)(B); in paragraph (c)(2), substituted "or the spouse" for "and the spouse", deleted "either" preceding "a copy" and substituted "a valid military identification card and execution of an affidavit in the form required by the court for deferral or excusal under this paragraph" for "the official military orders or a written verification signed by the service member's commanding officer of such duty"; and added subsection (d).

HISTORY OF SECTION. --The language of this Code section was derived in part from the decision in *Stater v. State*, 141 Ga. 82, 80 S.E. 850 (1913).

CROSS REFERENCES. --Discrimination against employee for attending a judicial proceeding in response to a court order or process, § 34-1-3. Exemption from jury duty for officers and enlisted personnel of organized militia, § 38-2-276. Authority of probate courts to enact local rules, Uniform Rules for the Probate Courts, Rule 1.2.

EDITOR'S NOTES. --This Code section formerly pertained to exemptions from jury duty in counties which have established a plan for electronic or mechanical selection of jurors. The former Code section was based on Code 1933, § 59-112.1, enacted by Ga. L. 1981, p. 652, § 1, and was repealed by Ga. L. 1984, p. 1167, § 2, effective April 7, 1984.

Ga. L. 2011, p. 59, § 1-1/HB 415, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Jury Composition Reform Act of 2011.'"

LAW REVIEWS. --For article surveying developments in Georgia criminal law from mid-1980 through mid-1981, see 33 *Mercer L. Rev.* 95 (1981).