



AN ACT CONCERNING JURY DUTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) Any matter involving the
2 failure of a person to appear for jury service as provided in section 51-
3 237 of the general statutes, as amended by this act, may be heard by a
4 magistrate, except a prosecution under subsection (e) of said section. A
5 magistrate appointed to hear such matter in a proceeding under said
6 section shall not be bound by the rules regarding the admissibility of
7 evidence and shall not be required to keep a record of such
8 proceeding, but all testimony in such proceeding shall be given under
9 oath or affirmation. Either party to such proceeding may be
10 represented by counsel. The magistrate may impose the civil penalty
11 authorized by section 51-237 of the general statutes, as amended by
12 this act, remit the civil penalty in whole or in part or dismiss the
13 proceeding.

14 Sec. 2. Section 51-193l of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2003*):

16 The Chief Court Administrator shall make such orders and rules as
17 he deems necessary to provide for the appointment of magistrates to
18 hear and decide cases pursuant to the provisions of sections 51-193t
19 and 51-193u and section 1 of this act. Any commissioner of the
20 Superior Court, admitted to practice in this state for at least five years,

21 who is able and willing to hear such cases designated in accordance
22 with sections 51-193t and 51-193u and section 1 of this act may be
23 appointed as a magistrate. Any probate judge who is a commissioner
24 of the Superior Court admitted to practice in this state for at least five
25 years may submit [his] such probate judge's name to the Probate Court
26 Administrator, who shall submit a list of such names to the Office of
27 the Chief Court Administrator for approval to be placed on a list of
28 available magistrates for one or more judicial districts.

29 Sec. 3. Subsection (a) of section 51-197a of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2003*):

32 (a) Appeals from final judgments or actions of the Superior Court
33 shall be taken to the Appellate Court in accordance with section 51-
34 197c, except for small claims matters and matters involving the failure
35 of a person to appear for jury service as provided in subsections (a) to
36 (d), inclusive, of section 51-237, as amended by this act, which are not
37 appealable, appeals within the jurisdiction of the Supreme Court as
38 provided for in section 51-199, appeals as provided for in sections 8-8
39 and 8-9, and except as otherwise provided by statute.

40 Sec. 4. Subsection (a) of section 51-217 of the general statutes is
41 repealed and the following is substituted in lieu thereof (*Effective*
42 *October 1, 2003*):

43 (a) All jurors shall be electors, or citizens of the United States who
44 are residents of this state having a permanent place of abode in this
45 state and appear on the list compiled by the Jury Administrator under
46 subsection (b) of section 51-222a, who have reached the age of
47 eighteen. A person shall be disqualified to serve as a juror if such
48 person; (1) [is] Is found by a judge of the Superior Court to exhibit any
49 quality which will impair the capacity of such person to serve as a
50 juror, except that no person shall be disqualified on the basis of
51 deafness or hearing impairment; (2) has been convicted of a felony
52 within the past seven years or is a defendant in a pending felony case

53 or is in the custody of the Commissioner of Correction; (3) is not able
54 to speak and understand the English language; (4) is the Governor,
55 Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or
56 Attorney General; (5) is a judge of the Probate Court, Superior Court,
57 Appellate Court or Supreme Court, is a family support magistrate or is
58 a federal court judge; [(6) is a member of the General Assembly,
59 provided such disqualification shall apply only while the General
60 Assembly is in session; (7)] (6) is seventy years of age or older and
61 chooses not to perform juror service; or [(8)] (7) is incapable, by reason
62 of a physical or mental disability, of rendering satisfactory juror
63 service. Any person claiming a disqualification under subdivision [(8)]
64 (7) of this subsection must submit to the Jury Administrator a letter
65 from a licensed physician stating the physician's opinion that such
66 disability prevents the person from rendering satisfactory juror service.
67 In reaching such opinion, the physician shall apply the following
68 guideline: A person shall be capable of rendering satisfactory juror
69 service if such person is able to perform a sedentary job requiring close
70 attention for six hours per day, with short work breaks in the morning
71 and afternoon sessions, for at least three consecutive business days.

72 Sec. 5. Subsection (a) of section 51-219a of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective*
74 *October 1, 2003*):

75 (a) The Jury Administrator, who is appointed in accordance with
76 section 51-10 and subject to supervision by the Chief Court
77 Administrator, shall be responsible for qualifying, summoning,
78 selecting, managing and utilizing jurors in the Superior Court and for
79 pursuing civil enforcement proceedings in matters involving the
80 failure of a person to appear for jury service as provided in subsections
81 (a) to (d), inclusive, of section 51-237, as amended by this act.

82 Sec. 6. Subsection (b) of section 51-232 of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective*
84 *October 1, 2003*):

85 (b) Such summons or notice shall also state the fact that a juror has a
86 right to one postponement of the juror's term of juror service for not
87 more than ten months and may contain any other information and
88 instructions deemed appropriate by the Jury Administrator. If the date
89 to which the juror has postponed jury service is improper, unavailable
90 or inconvenient for the court, the Jury Administrator shall assign a
91 date of service which, if possible, is reasonably close to the
92 postponement date selected by the juror. Such notice or summons shall
93 be made available to any party or the attorney for such party in an
94 action to be tried to a jury. The Jury Administrator may grant
95 additional postponements within or beyond said ten months but not
96 beyond one year from the original summons date, except that such
97 one-year limitation does not apply in matters involving the failure of a
98 person to appear for jury service as provided in subsections (a) to (d),
99 inclusive, of section 51-237, as amended by this act.

100 Sec. 7. Section 51-237 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2003*):

102 [Each juror, duly chosen, drawn and summoned, who fails to
103 appear shall have committed an infraction, but the court may excuse
104 him from the payment thereof. If a sufficient number of the jurors
105 summoned do not appear, or if for any cause there is not a sufficient
106 number of jurors to make up the panel, the court may order such
107 number of persons who qualify for jury service under section 51-217 to
108 be summoned as may be necessary, as talesmen, and any talesman so
109 summoned who makes default of appearance without sufficient cause
110 shall have committed an infraction.]

111 (a) Except as provided in subsection (e) of this section, each juror,
112 duly chosen, drawn and summoned, who fails to appear for jury
113 service and fails to provide the Jury Administrator with proof of a
114 valid disqualification under section 51-217, as amended by this act,
115 shall be notified, by first class mail, that the juror must contact the Jury
116 Administrator not later than twenty-one days from the date of such
117 notice to either provide proof to the Jury Administrator of a valid

118 disqualification or agree to appear for jury service within sixty days
119 from the date of such notice.

120 (b) If a sufficient number of the jurors summoned do not appear, or
121 if for any cause there is not a sufficient number of jurors to make up
122 the panel, the court may order such number of persons who qualify for
123 jury service under section 51-217, as amended by this act, to be
124 summoned as may be necessary, as talesmen, and any talesman so
125 summoned who makes default of appearance without sufficient cause
126 shall be subject to the procedures for the failure to appear for jury
127 service as provided in this section.

128 (c) If, after receiving notice pursuant to subsection (a) of this section,
129 a juror fails to provide the Jury Administrator with satisfactory proof
130 of a valid disqualification or to agree to appear for jury service within
131 the time periods specified in subsection (a) of this section, or fails to
132 appear for jury service after agreeing to do so, the Jury Administrator
133 may, in accordance with policies and procedures established by the
134 Chief Court Administrator, issue a summons and complaint and an
135 answer form to be served on such juror, by first class mail or in the
136 same manner in which a summons is served in a civil action, notifying
137 such juror to appear at a hearing before a magistrate in the judicial
138 district in which the juror was summoned for jury service. The juror
139 shall complete the answer form and file it with the Jury Administrator
140 not later than fifteen days from the date of the summons and
141 complaint. At such hearing, the juror and the Jury Administrator, or
142 the Jury Administrator's designee, shall have an opportunity to be
143 heard concerning the juror's failure to appear for jury service and there
144 shall be an irrebuttable presumption that the juror was duly chosen,
145 drawn and summoned. If the magistrate finds that the juror (1) failed
146 to appear for jury service, and (2) has not provided satisfactory proof
147 of a valid disqualification or failed to appear at such hearing, the
148 magistrate shall impose a civil penalty in accordance with section 1 of
149 this act in the amount of two hundred dollars, payable to the clerk of
150 the Superior Court. The magistrate shall affirm the action of the Jury
151 Administrator with respect to such juror unless the magistrate finds

152 that substantial rights of the juror have been prejudiced because the
153 action of the Jury Administrator is: (A) In violation of constitutional or
154 statutory provisions; (B) in excess of the statutory authority of the Jury
155 Administrator; or (C) arbitrary or capricious or characterized by abuse
156 of discretion. If the magistrate finds such prejudice, the matter shall be
157 dismissed. Any findings or decisions rendered by a magistrate
158 pursuant to this subsection are final and conclusive.

159 (d) If a juror fails to pay a civil penalty imposed pursuant to
160 subsection (c) of this section not later than thirty days from its
161 imposition, the Jury Administrator may refer the matter to the
162 Department of Administrative Services for collection as a delinquent
163 account.

164 (e) Any juror, duly chosen, drawn and summoned, who (1) fails to
165 appear for jury service at any time after (A) a civil penalty is imposed
166 on such juror pursuant to subsection (c) of this section, or (B) such civil
167 penalty is remitted in whole or in part pursuant to section 1 of this act,
168 and (2) fails to provide the Jury Administrator with proof of a valid
169 disqualification under section 51-217, as amended by this act, shall be
170 guilty of a class C misdemeanor.

171 Sec. 8. Section 52-215 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2003*):

173 In the Superior Court, a docket shall be kept of all cases. In such
174 docket immediately following the names of the parties and their
175 attorneys in all jury cases shall be entered the word "jury". The
176 following-named classes of cases shall be entered in the docket as jury
177 cases upon the written request of either party made to the clerk within
178 thirty days after the return day: (1) Appeals from probate involving the
179 validity of a will or paper purporting to be such; [,] (2) appeals from
180 the actions of commissioners on insolvent estates; [, and,] and (3)
181 except as [hereinafter] provided in this section, civil actions involving
182 such an issue of fact as, prior to January 1, 1880, would not present a
183 question properly cognizable in equity. [, except that there] There shall

184 be no right to trial by jury in civil actions in which the amount, legal
 185 interest or property in demand does not exceed two hundred fifty
 186 dollars, [or in a] in summary process [case] cases or in matters
 187 involving the failure of a person to appear for jury service as provided
 188 in subsections (a) to (d), inclusive, of section 51-237, as amended by
 189 this act. When, in any of [the above-named] such classes of cases, an
 190 issue of fact is joined, the case may, within ten days after such issue of
 191 fact is joined, be entered in the docket as a jury case upon the request
 192 of either party made to the clerk. [; and any] Any such case may at any
 193 time be entered in the docket as a jury case by the clerk [.] upon
 194 written consent of all parties or by order of court. All issues of fact in
 195 any such case shall be tried by the jury, provided the issues agreed by
 196 the parties to be tried by the court may be so tried. All cases not
 197 entered in the docket as jury cases under the [foregoing] provisions of
 198 this section, including actions in which an account is demanded and
 199 judgment rendered that the defendant shall account, writs of habeas
 200 corpus and ne exeat, complaints for dissolution of marriage and all
 201 other special statutory proceedings which, prior to January 1, 1880,
 202 were not triable by jury, shall be entered on the docket as court cases [.]
 203 and shall, with all issues of law and issues of fact, other than those
 204 [hereinbefore specified,] specified in this section which may be joined
 205 in actions entered on the docket as jury cases, be disposed of as court
 206 cases.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*

