



Senate Fiscal Agency  
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BILL



ANALYSIS

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House Bill 4691 (Substitute S-1 as reported)  
Sponsor: Representative Kurt Heise  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 2-7-12

### **RATIONALE**

The Revised Judicature Act (RJA) sets forth the qualifications of jurors and exemptions from jury duty. To qualify as a juror, a person must be a U.S. citizen who is at least 18 years old and must live in the county in which he or she is selected or, in the case of a district court jury, in the district in which he or she is selected. A juror also must be able to communicate in English and be physically and mentally able to carry out the functions of a juror. A person who has served on a jury or grand jury during the preceding 12 months or who has ever been convicted of a felony may not serve on a jury. The RJA also provides that a person who is over 70 years old may claim an exemption from jury service and is exempt upon making the request. Since nursing mothers need to feed their babies, or at least express breast milk, at regular intervals, some people believe that they also should be allowed to claim an exemption from jury duty.

### **CONTENT**

The bill would amend the Revised Judicature Act to allow a nursing mother to claim exemption from jury service for the period during which she was nursing her child. A nursing mother would be exempt upon making the request, if she provided a letter from a physician, lactation consultant, or certified nurse midwife verifying that she was a nursing mother.

"Physician" would mean an individual licensed by the State to engage in the practice of medicine or osteopathic medicine

and surgery. "Lactation consultant" would mean a lactation consultant certified by the International Board of Lactation Consultant Examiners. "Certified nurse midwife" would mean an individual licensed as a registered professional nurse who has been issued a specialty certification in the practice of nurse midwifery by the Board of Nursing.

The bill would take effect on May 1, 2012.

MCL 600.1307a

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

A mother who is nursing her baby must express breast milk roughly every two hours, in order to nourish the child sufficiently and to avoid her own medical complications. If a nursing mother were required to serve as a juror, the court likely would have to accommodate her with regular breaks and provide her with the facilities needed to feed her child or pump and store her breast milk. This would pose an unreasonable burden upon the woman and disrupt the court proceedings.

Reportedly, women who receive juror questionnaires sometimes are dismissed from jury service if they identify themselves as nursing mothers. Sometimes, they are still required to report for jury duty, but then may be dismissed at the court's discretion.

Judges have wide latitude to excuse potential jurors for various reasons, such as health issues or unreasonable hardship. When a proposal to exempt nursing mothers from jury duty was brought up in a prior legislative session, a Supreme Court official testified that he was unaware of any occasion in which a judge had compelled a nursing mother to serve on a jury. Still, without a statutory provision allowing an exemption for nursing mothers, a woman who is breast-feeding could be required to serve as a juror. To accommodate these women, and provide for the most efficient use of court time and resources, the RJA should specifically allow a nursing mother to request and be granted an exemption from jury service.

**Response:** The bill should require that a jury questionnaire and summons inform the recipient that she could be excused if she were nursing, and should allow a mother to choose not to serve by simply responding to the questionnaire or summons with a sworn statement that she was nursing. Nursing mothers should not have to go through the process of obtaining and submitting a letter from a physician, nurse midwife, or lactation consultant.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have a negligible fiscal impact on both State and local government. There could be a marginal increase in paperwork for court administrators due to processing exemption requests.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.