

OKLAHOMA STATUTES
TITLE 38. JURORS

| | |
|---|----|
| §38-1. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-2. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-3. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-4. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-5. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-6. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-7. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-8. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-9. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-10. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-11. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-12. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-13. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-14. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-15. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-16. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-17. Repealed by Laws 1949, p. 283, § 16..... | 2 |
| §38-18. Licensed drivers list - Time period - Volunteers - Name and address changes..... | 2 |
| §38-18.1. Alternative plan for selection of jurors with aid of mechanical or electronic means..... | 3 |
| §38-18.2. Electronic jury management systems..... | 4 |
| §38-19. Generation of names for general panel..... | 6 |
| §38-20. Drawing general panel - Authority of judges - Report for duty..... | 7 |
| §38-20.1. Jury panel - Oath or affirmation..... | 7 |
| §38-21. Drawing of names - Additional drawings - Period of service..... | 8 |
| §38-22. Deficiency of jurors..... | 9 |
| §38-23. Juries - Standard form of summons - Service..... | 9 |
| §38-23.1. On-call system - Trailing docket system..... | 10 |
| §38-24. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002..... | 11 |
| §38-25. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002..... | 11 |
| §38-26. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002..... | 11 |
| §38-27. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002..... | 11 |
| §38-28. Qualifications and exemptions..... | 11 |
| §38-28.1. Postponements..... | 13 |
| §38-29. Substantial compliance..... | 14 |
| §38-30. Repealed by Laws 1968, c. 412, § 19, eff. Jan. 13, 1969..... | 14 |
| §38-31. Repealed by Laws 1968, c. 412, § 19, eff. Jan. 13, 1969..... | 14 |
| §38-32. Repealed by Laws 1968, c. 199, § 2..... | 14 |
| §38-33. Repealed by Laws 1973, c. 204, § 5, emerg. eff. May 17, 1973..... | 14 |
| §38-34. Termination, removal or other adverse employment action for employee's jury service - Use of sick leave or vacation leave - Penalty - Postponement of service..... | 14 |
| §38-35. Civil liability - Damages..... | 15 |
| §38-36. Protections for juror identity..... | 16 |
| §38-37. Adverse action against student for jury service prohibited..... | 16 |
| §38-101. Grand jury petition - Circulation - Sufficiency..... | 16 |
| §38-102. Order determining sufficiency or insufficiency of petition - Amended petition - Appeal of order..... | 17 |
| §38-103. Signatures - Time allowed - Requisite number..... | 17 |
| §38-104. Wrongfully or fraudulently procuring signature or removal of signature - Penalty..... | 18 |
| §38-105. Removal of name from petition - Request..... | 18 |
| §38-106. Filing completed petition - Duties of court clerk and election board..... | 18 |
| §38-107. Presentation of certified petition to presiding district judge - Determination of sufficiency - Order..... | 18 |

§38-1. Repealed by Laws 1949, p. 283, § 16.

§38-2. Repealed by Laws 1949, p. 283, § 16.

§38-3. Repealed by Laws 1949, p. 283, § 16.

§38-4. Repealed by Laws 1949, p. 283, § 16.

§38-5. Repealed by Laws 1949, p. 283, § 16.

§38-6. Repealed by Laws 1949, p. 283, § 16.

§38-7. Repealed by Laws 1949, p. 283, § 16.

§38-8. Repealed by Laws 1949, p. 283, § 16.

§38-9. Repealed by Laws 1949, p. 283, § 16.

§38-10. Repealed by Laws 1949, p. 283, § 16.

§38-11. Repealed by Laws 1949, p. 283, § 16.

§38-12. Repealed by Laws 1949, p. 283, § 16.

§38-13. Repealed by Laws 1949, p. 283, § 16.

§38-14. Repealed by Laws 1949, p. 283, § 16.

§38-15. Repealed by Laws 1949, p. 283, § 16.

§38-16. Repealed by Laws 1949, p. 283, § 16.

§38-17. Repealed by Laws 1949, p. 283, § 16.

§38-18. Licensed drivers list - Time period - Volunteers - Name and address changes.

For the purpose of ascertaining names of all persons qualified for jury service:

1. The Commissioner of Public Safety shall cause to be provided to the Administrative Director of the Courts, not later than the first day of October of each year, a list by county of residence of persons who reside in the county, who are eighteen (18) years of age or older, and who are holders of a current driver license or a current identification license issued by the Department of Public

Safety. The list shall contain the name, date of birth, and mailing address of each person listed. The list may be maintained in electronic format and shall be used exclusively for jury selection purposes. The Administrative Director of the Courts and the court clerk shall not copy or permit any person to copy the list or any portion thereof for purposes other than jury selection;

2. All names and addresses of the persons so listed under the provisions of paragraph 1 of this section shall be used thereafter in the selection of juries; provided, however, no jury panel shall be quashed because of a duplication of names;

3. The list will be furnished by the Administrative Director of the Courts to the district courts according to the period of time and in the format prescribed by the Administrative Director of the Courts, and the district courts may maintain and use the list in electronic format as a necessary part of an approved electronic jury management system implemented pursuant to Section 13 of this act;

4. The provisions of this section shall not be construed to preclude persons otherwise qualified to serve as jurors from volunteering for jury service in a manner prescribed by the Administrative Director of the Courts; and

5. The Administrative Director of the Courts, the trial court administrator or the court clerk may accept changes or corrections in a mailing address or county of residence of a qualified juror from such qualified juror or from an electronic address verification process implemented pursuant to Section 13 of this act. Changes may be accepted in any manner prescribed by the Administrative Director of the Courts.

Added by Laws 1949, p. 279, § 1, emerg. eff. June 2, 1949. Amended by Laws 1973, c. 204, § 1, emerg. eff. May 17, 1973; Laws 1974, c. 136, § 1, emerg. eff. May 3, 1974; Laws 1985, c. 273, § 1; Laws 1987, c. 134, § 1, eff. Oct. 1, 1987; Laws 1989, c. 348, § 20, eff. Oct. 1, 1989; Laws 1996, c. 58, § 1, eff. Nov. 1, 1996; Laws 1997, c. 400, § 12, eff. July 1, 1997; Laws 2002, c. 390, § 14, emerg. eff. June 4, 2002; Laws 2003, c. 234, § 1, eff. Nov. 1, 2003; Laws 2015, c. 242, § 5, emerg. eff. May 4, 2015.

§38-18.1. Alternative plan for selection of jurors with aid of mechanical or electronic means.

A. In lieu of any other procedure now provided by law, the judge in charge of court administration in the county may, by order, adopt a plan for the selection of qualified jurors for jury service with the aid of mechanical or electronic means and implement such plan upon its approval by the Supreme Court.

B. Any such plan so adopted shall conform to the following requirements:

1. A complete plan shall be proposed in writing and submitted for approval by the Supreme Court.

2. It shall provide a fair, impartial and objective method of selecting persons for jury service with the aid of mechanical or electronic equipment.

3. It shall designate the court clerk as the official to be in charge of the selection process and shall define the duties of the court clerk.

4. It shall specify that a true and complete written list showing the names and addresses of the persons summoned to begin jury service on a particular date shall be filed of record with the court clerk at least ten (10) days prior to the date such persons are to begin jury service.

C. In any county where such a plan is adopted, as provided in this section, the laws relating to the selection of petit jurors by use of a jury wheel shall not apply. In such counties, a municipal court, at the option of the municipal judge, may select jurors in the same manner as provided for by the plan. The municipal court clerk shall be designated to fulfill the duties provided in the plan for the district court clerk.

Added by Laws 1973, c. 204, § 2, emerg. eff. May 17, 1973. Amended by Laws 2003, c. 225, § 2, eff. Nov. 1, 2003.

§38-18.2. Electronic jury management systems.

A. In lieu of a local plan adopted pursuant to subsection A of Section 18.1 of Title 38 of the Oklahoma Statutes, each district court may utilize an approved electronic jury management system (JMS) authorized by the Administrative Director of the Courts for the random selection of grand and petit jurors and for the general administration of the jury process. In any district court where an approved electronic JMS is implemented, the provisions set forth in this section shall apply.

B. The clerk of the district court shall manage the jury selection process, under the supervision and control of the presiding judge or chief judge or any other district judge acting as his or her designee. In district courts with a trial court administrator, the court administrator may be authorized to manage some or all of the jury selection process, under the supervision and control of the presiding judge or chief judge or any other district judge acting as his or her designee. In managing the jury selection process, the court clerk and the trial court administrator are authorized to delegate duties to their staff and to utilize the electronic processes, random selection functionality and data processing services of the authorized JMS, as may be necessary in the jury selection and maintenance process.

C. In each district court, the presiding judge or chief judge or any other district judge acting as his or her designee shall, more than twenty (20) days prior to each term of court, determine approximately the number of jurors that are reasonably necessary to

meet the needs of the district court for each jury term and shall order the drawing of that number of jurors, either all at one time or at periodic intervals, in advance of each term as he or she deems proper.

D. The court clerk or the trial court administrator may utilize the JMS to randomly draw a sufficient number of names from the source list provided by the Administrative Director of the Courts, pursuant to Section 18 of Title 38 of the Oklahoma Statutes, to satisfy the number of jurors ordered by the judge, including a margin of extra names sufficient to compensate for the estimated number that will be unavailable or ineligible. The names drawn shall comprise the general panel of jurors from which jurors are selected for service in the district court during the period for which they are designated to serve. The court clerk or the trial court administrator may use the JMS to draw jury panels in accordance with the local district court procedures, including jury panels for an "on call" jury system or a "trailing" jury system. The Administrative Director of the Courts, the trial court administrator and the court clerk shall not disclose, copy or permit any person to copy any general panel jury list or any portion thereof except as provided in Section 36 of Title 38 of the Oklahoma Statutes.

E. The court clerk or the trial court administrator may utilize the JMS to prepare the summons for jury service and shall cause the same to be mailed by first-class mail to every person whose name is drawn for the general jury panel. At the option of the court clerk or trial court administrator, juror summons may be mailed by the clerk's office or by a commercial mailing service. The court may utilize an automated address verification process to avoid mailing summons to incomplete or invalid addresses or to persons who no longer reside in the jurisdiction.

F. The court clerk or the trial court administrator may utilize the JMS to randomly select names of prospective jurors for assignment to a specific trial or grand jury, collectively referred to as "case panel". The court clerk or the trial court administrator shall produce a written list of each case panel, with the names of the jurors selected for the case panel appearing in a random sequential order assigned by the JMS. The court and the attorneys of record in the case may be provided with a copy of the written case panel list. No person shall disclose, copy or permit any other person to copy the list or any portion of the list for purposes other than jury selection. The judge, court clerk or court staff may call the individual jurors and alternate jurors to be impaneled in the case or on a grand jury, one by one, in the order by which they appear on the written case panel list. Whenever a juror is dismissed for cause or preemptory challenge, the juror whose name next appears on the written list may be called, and this process shall continue until the jury is sworn or affirmed.

G. Use of an approved electronic JMS shall not be grounds for a challenge to a juror or a panel based on a material departure or irregularity from the requirements prescribed by law. Whenever the court utilizes the approved JMS to randomly select and sequentially order juror names during any step in the jury selection process, the laws relating to the selection of grand or petit jurors by use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, including those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of Title 22 of the Oklahoma Statutes, shall not apply.

H. The court clerk or the trial court administrator may utilize the JMS for the creation and maintenance of all records and documents necessary to summon, qualify, manage and pay jurors for service and may maintain jury records in electronic format utilizing the data processing methods which are provided in the JMS.

I. Each district court may provide electronic resources, including but not limited to an automated telephone system and a website, for jurors to obtain information about their jury service and submit information to the court.

J. The court may utilize the JMS to prepare and mail juror questionnaires and may provide for jurors to answer juror questionnaires either by mail or by the court's website.

K. Nothing in this section shall be construed to minimize or repeal the authority granted in Section 18.1 of Title 38 of the Oklahoma Statutes regarding use of an approved electronic method for jury selection.

Added by Laws 2015, c. 242, § 13, emerg. eff. May 4, 2015.

§38-19. Generation of names for general panel.

A. The Administrative Director of the Courts shall cause to be generated, from the list of names of all persons who are known to be qualified jurors under the law, the general panel of jurors as required under Section 20 of this title or the list of prospective multicounty grand jurors as required under Section 359 of Title 22 of the Oklahoma Statutes.

B. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the general jury panel for petit and county grand juries may be generated by the court clerk or trial court administrator utilizing the random selection processes provided in the jury management system.

Added by Laws 1949, p. 279, § 2, emerg. eff. June 2, 1949. Amended by Laws 2002, c. 390, § 15, emerg. eff. June 4, 2002; Laws 2015, c. 242, § 6, emerg. eff. May 4, 2015.

§38-20. Drawing general panel - Authority of judges - Report for duty.

A. In each county, the judges of the courts of record shall, more than ten (10) days prior to each term of court, determine approximately the number of jurors that are reasonably necessary for jury service in all the courts of record of the county for each jury period during the time the courts may hold during the term and shall thereupon order the number of jurors from the Administrative Director of the Courts for each jury period, said jury to be known as the general panel of jurors for service in all the courts of such county for the respective weeks for which they are designated to serve. A majority of the judges are authorized to act in carrying out the provisions of this law; provided, however, there is only one judge in the county or where the district judge so designates in writing the judge of the court of record using the jury is authorized to act in carrying out the provisions of this law or he or she may increase or diminish the number of jurors to be selected for any jury period, and shall order said jurors drawn for as many weeks in advance of service as they or he or she deem proper. The general panel shall report for duty to the presiding judge or chief judge or other district court judge acting as his or her designee or, if none, to the judge of the court of record using the jury, and said judge, for such time as he or she so acts, shall organize said juries and have immediate supervision and control of them.

B. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the general panel of jurors may be generated by the court clerk or trial court administrator using the random juror selection process and functionality which is provided in that system.

Added by Laws 1949, p. 280, § 3, emerg. eff. June 2, 1949. Amended by Laws 2002, c. 390, § 16, emerg. eff. June 4, 2002; Laws 2015, c. 242, § 7, emerg. eff. May 4, 2015.

§38-20.1. Jury panel - Oath or affirmation.

A. Each member of the general jury panel, when reporting for duty as provided for in Section 20 of this title, shall take and subscribe to an oath or affirmation which shall be in substantially the following form:

OATH

I, the undersigned, do solemnly swear or affirm that I am a citizen of the United States and a resident of the State of Oklahoma, County of _____. I further swear or affirm that I am eighteen years of age or older.

I further swear or affirm that I have not been convicted of a felony for which a period of time equal to the original judgment and sentence has not expired, or for which I have not been pardoned. I further swear or affirm that I am not now adjudicated as being mentally incompetent and that I do not otherwise have a mental condition which makes me incapable of performing jury service.

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

(Signature or mark of general jury panel member) _____
(Date and place)

B. The oath or affirmation provided for in subsection A of this section shall be maintained in the office of the court clerk as a judicial record. The oath or affirmation required by this section may be taken and signed using an electronic method provided by the court for such purposes, either through the website of the court or otherwise, and may be maintained by the court clerk in electronic format.

Added by Laws 1985, c. 273, § 2. Amended by Laws 2013, c. 61, § 3, eff. Nov. 1, 2013.

§38-21. Drawing of names - Additional drawings - Period of service.

If a grand jury is ordered, the number stated in the judge's order, not to exceed one hundred, shall be summoned as grand jurors, and the grand jury shall be impaneled from said persons. The judge of the district court shall order the court clerk, one of his or her deputies or the court administrator to order the stated number of jurors from the Administrative Director of the Courts. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the judge may order the stated number of jurors to be randomly selected and summoned by the court clerk or trial court administrator utilizing the jury management system, and the district court may use the jury management system to randomly select the names of the grand or petit jurors and alternate jurors from the panels so drawn. In addition to the twelve (12) grand jurors to be impaneled, three additional persons shall be selected as alternate grand jurors. The alternate grand jurors shall attend all functions of the grand jury during its term and shall be subject to all laws governing grand jurors. Provided that, no alternate juror shall participate in any deliberations of the grand jury until appointed to fill a vacancy. If the judge so directs, the persons summoned for the grand jury panel who are not used thereon may be transferred to the petit jury panel. Additional and other drawing of as many names as the court may order may be had at any such time as the court or judge may order for the completion of a grand or petit jury panel, or for the impaneling of a new grand or petit jury if, in the judgment of the court, the same shall be necessary, or if, for any cause, the court, in its discretion, shall deem other jurors necessary. The court may excuse or discharge any person drawn and summoned as a grand or petit juror whenever, in its discretion, such action shall be deemed expedient. No person may be required to render service as a petit juror for more than one (1) day in any one calendar year unless he or she is selected to serve in a trial or is under consideration to serve in a trial and such

consideration covers a period of two (2) or more days. Once selected, a juror shall serve on the jury for the duration of the trial unless excused by the presiding judge.

Added by Laws 1949, p. 280, § 4, emerg. eff. June 2, 1949. Amended by Laws 1961, p. 281, § 1; Laws 1963, c. 268, § 1; Laws 1969, c. 134, § 1, emerg. eff. April 9, 1969; Laws 1975, c. 310, § 1, eff. Oct. 1, 1975; Laws 1977, c. 213, § 2, emerg. eff. June 14, 1977; Laws 1982, c. 3, § 1; Laws 2002, c. 390, § 17, emerg. eff. June 4, 2002; Laws 2004, c. 525, § 5, eff. July 1, 2004; Laws 2015, c. 242, § 8, emerg. eff. May 4, 2015.

§38-22. Deficiency of jurors.

In the event of a deficiency of jurors at any given time to meet the needs of the district court, the presiding judge or chief judge, or other district court judge acting as his or her designee, having control of the general panel shall direct the court clerk or trial court administrator to request from the administrative Director of the Courts such additional jurors as may be sufficient to meet the court's requirements. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the additional jurors authorized by this section may be randomly selected and summoned by the court clerk or trial court administrator utilizing the electronic jury management system.

Added by Laws 1949, p. 281, § 5, emerg. eff. June 2, 1949. Amended by Laws 2002, c. 390, § 18, emerg. eff. June 4, 2002; Laws 2004, c. 525, § 6, eff. July 1, 2004; Laws 2015, c. 242, § 9, emerg. eff. May 4, 2015.

§38-23. Juries - Standard form of summons - Service.

A. The Administrative Director of the Courts shall develop a standard form to be used as a summons for service on the grand and petit juries in the district courts of this state. The standard form shall include the time, place and the name of the court where said jurors are required to attend.

B. The summons shall be served by mailing a copy of such summons to the person selected for service not less than ten (10) days before the day said person is to appear as a juror in such court. The person mailing the summons shall make a return of such service by filing an affidavit stating the date of mailing the summons; provided, that this shall not prevent service of special venire or talesman by the sheriff of the county.

C. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, grand and petit jurors may be summoned by using the automated process of creating and mailing juror summons provided in the electronic jury management system. The Administrative Director of the Courts shall develop a standard juror summons form to be used in the system, which

shall include a section for the district court to add information specific to the local court. Where the court follows the procedures for creating and mailing the summons as set forth in Section 13 of this act, the return-of-service affidavit required by subsection B of this section need not be filed.

Added by Laws 1949, p. 281, § 6, emerg. eff. June 2, 1949. Amended by Laws 1957, p. 410, § 1; Laws 1973, c. 174, § 1; Laws 1988, c. 33, § 1, eff. Nov. 1, 1988; Laws 2015, c. 242, § 10, emerg. eff. May 4, 2015.

§38-23.1. On-call system - Trailing docket system.

A. In those district courts in which an on-call system is implemented by order of the chief judge of the district court, each juror retained for services subject to call shall be required to contact a center for information as to the time and place of his or her next assignment.

B. For purposes of this section, "on-call system" means a method whereby the chief judge of a district court summonses a jury panel to serve as potential jurors on a specific case.

C. Pursuant to summons for service on petit juries in the district court, each qualified, nonexempt juror is retained for service subject to call and is assigned to a judge or a case.

D. In those districts in which an on-call system is implemented by order of the chief judge of the trial court, no person shall be required to render service as a juror for more than one (1) day in a calendar year, unless he or she is selected to serve in a trial or is under consideration to serve in a trial and such consideration covers a period of two (2) or more days. Once selected, a juror shall serve on the jury for the duration of the trial unless excused by the presiding judge.

E. In those districts in which a trailing docket system is implemented by order of the chief judge of the trial court, no person shall be required to render service as a juror for more than five (5) days in a calendar year, unless he or she is selected to serve in a trial or is under consideration to serve in a trial and such consideration covers a period of five (5) or more days. Once selected, a juror shall serve on the jury for the duration of the trial, unless excused by the presiding judge.

F. For purposes of this section "trailing docket system" means a method whereby the chief judge of the district court summonses a jury panel to serve for a fixed number of days to determine the outcome of all cases on the docket in sequential order.

Added by Laws 1981, c. 184, § 2, eff. Oct. 1, 1981. Amended by Laws 2004, c. 525, § 7, eff. July 1, 2004; Laws 2006, c. 103, § 1, eff. Nov. 1, 2006.

§38-24. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002.

§38-25. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002.

§38-26. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002.

§38-27. Repealed by Laws 2002, c. 390, § 21, emerg. eff. June 4, 2002.

§38-28. Qualifications and exemptions.

A. It is the policy of this state that all citizens qualified for jury service pursuant to this section have an obligation to serve on petit juries when summoned by the courts of this state, unless excused.

B. All citizens of the United States, residing in this state, having the qualifications of electors of this state, are competent jurors to serve on all grand and petit juries within their counties; provided, that persons over seventy (70) years of age and persons who have served as a grand or petit juror during the last five (5) immediately preceding calendar years shall not be compelled to serve as jurors in this state and the court may excuse or discharge any juror drawn and summoned as a grand or petit juror if:

1. The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, shall provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of up to twenty-four (24) months; or

2. Jury service would cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary. A person requesting to be excused based on a finding of undue or extreme physical or financial hardship shall take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty. For purposes of this section, "undue or extreme physical or financial hardship" is limited to circumstances in which an individual would be required to abandon a person under his or her personal care or supervision due to the impossibility of

obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury, incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principle means of support, or suffer physical hardship that would result in illness or disease. Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment. A person requesting a judge to grant an excuse based on undue or extreme physical or financial hardship shall be required to provide the judge with documentation, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused.

After two (2) years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

C. Persons who are not qualified to serve as jurors are:

1. Justices of the Supreme Court or the Court of Civil Appeals;
2. Judges of the Court of Criminal Appeals or the district court;
3. Sheriffs or deputy sheriffs;
4. Licensed attorneys engaged in the practice of law;
5. Persons who have been convicted of any felony or who have served a term of imprisonment in any penitentiary, state or federal, for the commission of a felony; provided, any such citizen convicted, who has been fully restored to his or her civil rights, shall be eligible to serve as a juror; and
6. Legislators during a session of the Legislature or when involved in state business.

D. Jailers or law enforcement officers, municipal, state or federal, shall be eligible to serve on noncriminal actions only.

E. Upon his or her request, a person shall be exempt from service as a juror if the person is:

1. A member of the Armed Forces of the United States who is serving on active duty during a time of war or declared hostilities; or
2. A mother who is breast-feeding a baby.

F. The district court may provide electronic resources for persons summoned for jury duty to obtain information about their jury service and to submit information to the court, including but not limited to communications via telephone, text message, electronic

mail and website. The court may utilize an approved electronic jury management system to record, process, respond to, and maintain juror communications. The court clerk and the trial court administrator, under the supervision and control of the presiding judge or chief judge, or any district judge acting as his or her designee, may be authorized to make determinations regarding juror excusals, exemptions, disqualifications, postponements and deferrals. However, determinations regarding extreme physical or financial hardship shall be made as provided in paragraph 2 of subsection B of this section.

G. Information provided to the court pursuant to this section by persons summoned for jury service shall be used exclusively for purposes of determining jury disqualifications or excusals. No person shall disclose, copy or permit any person to copy this information for purposes other than jury management.

Added by Laws 1949, p. 282, § 11, emerg. eff. June 2, 1949. Amended by Laws 1951, p. 111, § 1, emerg. eff. May 16, 1951; Laws 1953, p. 140, § 1, emerg. eff. April 13, 1953; Laws 1957, p. 410, § 1, emerg. eff. May 13, 1957; Laws 1959, p. 173, § 1; Laws 1971, c. 253, § 1, eff. Oct. 1, 1971; Laws 1973, c. 204, § 3, emerg. eff. May 17, 1973; Laws 1975, c. 302, § 1, eff. Oct. 1, 1975; Laws 1981, c. 184, § 1; Laws 1994, c. 343, § 21, eff. Sept. 1, 1994; Laws 1996, c. 308, § 2, eff. Nov. 1, 1996; Laws 1997, c. 2, § 3, emerg. eff. Feb. 26, 1997; Laws 2004, c. 525, § 8, eff. July 1, 2004; Laws 2005, c. 1, § 42, emerg. eff. March 15, 2005; Laws 2008, c. 339, § 1, eff. Nov. 1, 2008; Laws 2009, c. 10, § 1, eff. Nov. 1, 2009; Laws 2013, c. 168, § 1, eff. Nov. 1, 2013; Laws 2014, c. 15, § 1, eff. Nov. 1, 2014; Laws 2015, c. 242, § 11, emerg. eff. May 4, 2015.

NOTE: Laws 1996, c. 97, § 17 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997. Laws 2004, c. 332, § 2 repealed by Laws 2005, c. 1, § 43, emerg. eff. March 15, 2005.

§38-28.1. Postponements.

A. Individuals scheduled to appear for jury service have the right to postpone the date of their initial appearance for jury service one time only. When requested, postponements shall be granted, provided that:

1. The juror has not previously been granted a postponement;
2. The prospective juror appears in person or contacts the clerk of the court by telephone, electronic mail, or in writing to request a postponement; and
3. Prior to the grant of a postponement with the concurrence of the clerk of the court, the prospective juror fixes a date certain on which he or she will appear for jury service that is not more than six (6) months after the date on which the prospective juror originally was called to serve and on which date the court will be in session unless the prospective juror is permanently excused.

B. A subsequent request to postpone jury service may be approved by a judicial officer only in the event of an extreme emergency, such as a death in the family, sudden grave illness, or a natural disaster or a national emergency in which the prospective juror is personally involved, that could not have been anticipated at the time the initial postponement was granted. Prior to the grant of a second postponement, the prospective juror must fix a date certain on which the individual will appear for jury service within six (6) months of the postponement on a date when the court will be in session. Added by Laws 2004, c. 525, § 9, eff. July 1, 2004.

§38-29. Substantial compliance.

Substantial compliance with the provisions of this chapter, shall be sufficient to prevent the quashing or setting aside of any indictment of a grand jury chosen hereunder, unless irregularity in drawing, summoning or impaneling the grand jury resulted in depriving a defendant of some substantial right, but such irregularity must be specifically presented to the court on or before the cause is first set for trial. A substantial compliance with the provisions of this chapter, shall be sufficient to prevent the setting aside of any verdict rendered by a jury chosen hereunder, unless the irregularity in drawing, and summoning or impaneling the same, resulted in depriving a party litigant of some substantial right; provided, however, that such irregularity must be specifically presented to the court at or before the time the jury is sworn to try the cause. Laws 1949, p. 282, § 12, emerg. eff. June 2, 1949.

§38-30. Repealed by Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§38-31. Repealed by Laws 1968, c. 412, § 19, eff. Jan. 13, 1969.

§38-32. Repealed by Laws 1968, c. 199, § 2.

§38-33. Repealed by Laws 1973, c. 204, § 5, emerg. eff. May 17, 1973.

§38-34. Termination, removal or other adverse employment action for employee's jury service - Use of sick leave or vacation leave - Penalty - Postponement of service.

A. Any person who is summoned to serve as a juror and who notifies his or her employer of such summons within a reasonable period of time after receipt of a summons and prior to his or her appearance for jury duty may not be terminated, removed or otherwise subject to any adverse employment action as a result of such service.

B. An employee may not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or

time spent actually serving on a jury. Nothing in this provision shall be construed to require an employer to provide annual, vacation, or sick leave to such employees who otherwise are not entitled to such benefits under company policies.

C. Every person, firm or corporation who discharges an employee, causes an employee to be discharged, takes other adverse action against an employee or requires an employee to use sick, annual or vacation leave because of said employee's absence from employment by reason of said employee's having been required to serve as a grand, multicounty grand, or petit juror on a grand, multicounty grand, or petit jury shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). The provisions of this section shall not require an employer to pay an employee wages for the time the employee is absent from employment for jury duty unless the employee uses paid leave for that purpose. It shall be the decision of the employee whether to use paid leave or take leave without pay for absence from employment for jury duty.

D. A court shall automatically postpone and reschedule the service of a summoned juror who is employed by an employer with five or fewer full-time employees, or their equivalent, if another employee of that employer has previously been summoned to appear during the same period. Such postponement will not effect an individual's right to one automatic postponement under Section 9 of this act.

Added by Laws 1978, c. 142, § 1, eff. Oct. 1, 1978. Amended by Laws 1987, c. 99, § 15, eff. Nov. 1, 1987; Laws 2002, c. 134, § 1, eff. Nov. 1, 2002; Laws 2004, c. 525, § 10, eff. July 1, 2004.

§38-35. Civil liability - Damages.

Every person, firm or corporation who discharges an employee, causes an employee to be discharged, takes other adverse action against an employee or requires an employee to use sick, annual or vacation leave because of said employee's absence from employment by reason of said employee's having been required to serve as a grand, multicounty grand, or petit juror on a grand, multicounty grand, or petit jury shall be liable to the employee in a civil action at law for both actual and exemplary damages. Damages shall include all pecuniary losses suffered including, but not limited to, lost earnings, both past and future, the value of lost leave, mental anguish and all reasonable damages incurred in obtaining other suitable employment. The provisions of this section shall not require an employer to pay an employee wages for the time the employee is absent from employment for jury duty unless the employee takes paid leave for that purpose. It shall be the decision of the employee whether to use paid leave or take leave without pay for absence from employment for jury duty.

Added by Laws 1978, c. 142, § 2, eff. Oct. 1, 1978. Amended by Laws 1987, c. 99, § 16, eff. Nov. 1, 1987; Laws 2002, c. 134, § 2, eff. Nov. 1, 2002; Laws 2004, c. 525, § 11, eff. July 1, 2004.

§38-36. Protections for juror identity.

A. Persons serving as jurors during a trial shall not be asked or required to give their complete residence address or telephone number in the presence of the defendant.

B. Names and personal information concerning prospective and sitting jurors shall not be disclosed to the public outside open court, except upon order of the court. A request for disclosure of petit jurors' names and personal information shall be made in writing directly to the presiding judge or chief judge, or any district judge acting as his or her designee. The court shall order juror names and personal information to be kept confidential unless the interests of justice require otherwise.

C. Names and personal information concerning prospective petit jurors may be provided to the attorneys of record after the general panel jurors have been selected and summoned, unless otherwise directed by the court. The names and information will be provided in written form only, hereafter referred to as "the jury list". The attorneys shall not share the jury list or information contained in the jury list except as necessary for purposes of jury selection. Following jury selection, the attorneys shall return the original jury lists and any copies to the court. Counsel shall be under a continuing duty to protect the confidentiality of juror information.

D. The names of grand jurors shall not be maintained in any public record or otherwise disclosed to the public except upon an order of the court issued on a showing that exceptional circumstances have created a demonstrated need for disclosure.

Added by Laws 1994, c. 343, § 23, eff. Sept. 1, 1994. Amended by Laws 2015, c. 242, § 12, emerg. eff. May 4, 2015.

§38-37. Adverse action against student for jury service prohibited.

No school, college, university, or other educational institution may take or permit to be taken any adverse academic action against a student because of the student's service on a grand, multicounty grand, or petit jury.

Added by Laws 1996, c. 111, § 1, emerg. eff. April 18, 1996.

§38-101. Grand jury petition - Circulation - Sufficiency.

Beginning November 1, 1989, any person, group of persons or organization desiring to circulate a petition for the impaneling of a grand jury, pursuant to the provisions of Section 18 of Article II of the Oklahoma Constitution shall file a copy of said petition with the court clerk of the county prior to the obtaining of any signatures upon such petition. Any such petition, upon its face, shall state

the subject matter or matters of the prospective grand jury and shall state a reasonably specific identification of areas to be inquired into and sufficient general allegations to warrant a finding that such inquiry may lead to information which, if true, would warrant a true bill of indictment or action for removal of a particular public official.

Laws 1989, c. 180, § 1, eff. Nov. 1, 1989.

§38-102. Order determining sufficiency or insufficiency of petition - Amended petition - Appeal of order.

Within four (4) days, excluding Saturdays, Sundays and holidays, following the initial filing of any petition calling for the impaneling of a grand jury, the presiding district judge shall enter an order stating whether the face of the petition contains a reasonably specific identification of areas to be inquired into and sufficient general allegations to warrant a finding that such inquiry may lead to information which, if true, would warrant a true bill of indictment or action for removal. An order determining such petition to be deficient shall quash said petition, and shall set forth clearly in writing each and every deficiency found by said judge. Petitioners shall have two (2) days to amend the petition to conform to the district judge's order. Upon the filing of said amended petition, the district judge shall enter an order within two (2) days stating whether the face of the amended petition contains the requirements set forth in this section. Any such order quashing an amended petition shall be appealable when entered. An order determining such petition or amended petition to be sufficient shall not be appealable.

Laws 1989, c. 180, § 2, eff. Nov. 1, 1989.

§38-103. Signatures - Time allowed - Requisite number.

Upon the entering of an order determining the petition to be sufficient, or upon the successful appeal of an order determining the petition to be insufficient, the circulators of said petition shall have forty-five (45) days to obtain a sufficient number of signatures to impanel a grand jury. Failure to obtain the requisite number of signatures within that time period shall render the petition null and void.

Laws 1989, c. 180, § 3, eff. Nov. 1, 1989.

§38-104. Wrongfully or fraudulently procuring signature or removal of signature - Penalty.

Any person who offers any payment of money, any gratuity or prize, or any other thing of value, or makes any statement known by them to be false, and who makes such offer or statement to induce a person to sign or to have his name removed from a petition to impanel a grand jury, shall be guilty of a misdemeanor.

Laws 1989, c. 180, § 4, eff. Nov. 1, 1989.

§38-105. Removal of name from petition - Request.

Any person who signs a grand jury petition and subsequently desires to have his or her name removed from such petition may, at any time prior to a determination by the election board of the number of signatures on the petitions, have his or her name removed from said petition by filing a request for removal with the court clerk of the county. If such request is filed with the court clerk prior to the filing of the signed petitions, the court clerk shall hold such notice and deliver it to the election board at such time as the petitions are delivered. If such request is filed after the filing of the signed petitions, the court clerk shall deliver it to the election board. If such request is filed after the election board has certified the number of signatures of said petition, such request shall be void. Such request shall clearly state the desire of the person to have his or her name removed from the grand jury petition currently in circulation and shall bear the signature and address of the person making the request.

Laws 1989, c. 180, § 5, eff. Nov. 1, 1989.

§38-106. Filing completed petition - Duties of court clerk and election board.

Upon the obtaining of the signatures, and within the forty-five day time limitation provided in Section 3 of this act, the completed petitions shall be filed with the court clerk. The court clerk shall copy said petitions and deliver the originals on the next business day, excluding Saturdays, Sundays and holidays, to the election board. Upon the delivery of said petitions to the election board, the board shall have seven (7) business days, excluding Saturdays, Sundays and holidays, to determine how many of the signers of said petitions are qualified electors within the county and shall return, not later than the seventh business day, excluding Saturdays, Sundays and holidays, the original petitions to the court clerk together with a certification of the number of such signers who are qualified electors within the county.

Laws 1989, c. 180, § 6, eff. Nov. 1, 1989.

§38-107. Presentation of certified petition to presiding district judge - Determination of sufficiency - Order.

Upon receipt by the court clerk of a certification of the number of qualified electors who have signed a petition for grand jury, the presiding district judge shall determine whether or not that number meets the requirement of a grand jury petition pursuant to Section 18 of Article II of the Oklahoma Constitution. Should such number be sufficient, and should all other requirements stated above be met, the presiding district judge shall order the impaneling of a grand

jury to convene within thirty (30) days of the date the certification was received by the court clerk from the election board.

Laws 1989, c. 180, § 7, eff. Nov. 1, 1989.

§38-108. Civil liability of petitioners.

Any person responsible for the creation, drafting or circulating of a grand jury petition may be held liable for civil damages for libel or slander due to any false allegation made in the body of said petition, if such allegations are proven to be made with malice and with an ulterior or illicit purpose.

Laws 1989, c. 180, § 8, eff. Nov. 1, 1989.