~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 25, 2015

**S. 156**

Introduced by Senators Shealy and Hembree

S. Printed 3/25/15--S.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 156) to amend Chapter 3, Title 7 of the 1976 Code, relating to the State Election Commission, by adding Section 7–3–80, to provide for the creation, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7–3–80.(A) As used in this section:

(1) ‘Mental infirmity’ means a medically diagnosable, abnormal condition which is expected to continue for a considerable length of time which reasonably is expected to significantly limit the person’s functional ability for jury service.

(2) ‘Physical infirmity’ means one of the following medically‑diagnosable conditions:

(a) a respiratory condition that would significantly impair service on a jury or requires use of portable oxygen;

(b) a cardiac condition to the extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association. If the person’s status improves to a higher level, for example as a result of bypass surgery or transplantation, he no longer meets this criteria;

(c) a substantial limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition, for example, coordination problems and muscle spasticity due to conditions that include Parkinson’s disease, cerebral palsy, or multiple sclerosis; or

(d) any other condition that is supported by a report signed by a licensed physician that the person suffers from a physical infirmity that would significantly impair his ability to serve on a jury.

(B)(1) The State Election Commission must develop a standardized certification form designed to capture criteria related information relating to persons considered mentally or physically infirm. The form shall indicate whether the applicant meets one or more of the criteria, whether the condition is permanent or temporary, and if temporary, the expected duration.

(2) Certification pursuant to Section 56–3–1910 shall satisfy the physical infirmity requirements of subsection (D).

(C) A person who is certified as being mentally or physically infirm by a licensed physician and who provides a legible certification form with a signature from the same physician may apply for an exemption with the State Election Commission. Upon verification by the Commission that the person qualifies for the mental or physical exemption provided for by this section, the Commission shall issue a medical exemption certification letter to the person qualifying for the exemption.

(D) Upon the receipt of any summons for jury service for state, magistrate, or municipal court, the person may submit a copy of his certified exemption letter to the clerk of court as proof of his exemption. A court receiving a copy of the certified exemption letter issued by the State Election Commission must, upon verification with the Commission, excuse the potential juror from service for which he is summoned without the requirement of the person having to appear in court.

(E) The Commission must keep and maintain a complete and accurate record of all applications received, the names of those to whom exemptions have been issued, and the physician certification forms.”

SECTION 2. Section 30-4-40 of the 1976 Code is amended by adding an appropriately numbered new subsection to read:

“( ) The list of persons exempted from jury service due to the election of the physical or mental infirmity exemption, maintained by the State Election Commission pursuant to Section 7-3-80(F).”

SECTION 3. Section 14-7-840 of the 1976 code is amended to read:

“Section 14-7-840. No person is exempt from service as a juror in any court of this State except men and women sixty‑five years of age or over or a person with a physical or mental infirmity who is exempted pursuant to the requirements of Section 7-3-80. Notaries public are not considered state officers and are not exempt under this section. A person exempt under this section may be excused upon telephone confirmation of date of birth and age to the clerk of court or the chief magistrate or as otherwise provided for by Section 7-3-80. The jury commissioners shall not excuse or disqualify a juror under this section. The clerk of court shall maintain a list of persons excused by the court and the reasons the juror was determined to be excused.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

C. BRADLEY HUTTO GERALD MALLOY

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The State Election Commission indicates an expenditure impact of $100,000 to the general fund. There would be no impact to federal funds and other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill would amend Section 7-3-80 to create a registration system within the State Election Commission where a person with a mental or physical infirmity may voluntarily remove his/her name from jury lists.

The State Election Commission indicates that this bill would require programming changes to the current statewide voter registration system as well as training of county and state employees. The agency estimates an expenditure impact of $100,000 to the general fund to assist with design, development, and training of this additional component.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND CHAPTER 3, TITLE 7 OF THE 1976 CODE, RELATING TO THE STATE ELECTION COMMISSION, BY ADDING SECTION 7–3–80, TO PROVIDE FOR THE CREATION AND MAINTENANCE OF A REGISTRATION SYSTEM WITHIN THE STATE ELECTION COMMISSION ALLOWING A PERSON WITH MENTAL OR PHYSICAL INFIRMITIES THE OPPORTUNITY TO REMOVE HIMSELF FROM JURY LISTS, TO PROVIDE FOR A CERTIFICATION PROCESS, AND TO PROVIDE THAT THE STATE ELECTION COMMISSION SHALL FURNISH JURY LISTS TO COUNTY JURY COMMISSIONERS ONLY AFTER IT REMOVES THE NAMES OF THOSE INDIVIDUALS WHO VOLUNTARILY REGISTER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 7 of the 1976 Code is amended by adding:

“Section 7–3–80.(A) There is created a registration system within the State Election Commission whereby a person with a mental or physical infirmity may voluntarily remove his name from jury lists.

(B) As used in this section:

(1) ‘Jury list’ means the list furnished to county jury commissioners pursuant to Section 14–7–130.

(2) ‘Mental infirmity’ means a medically diagnosable, abnormal condition which is expected to continue for a considerable length of time, whether correctable or uncorrectable, which reasonably is expected to limit the person’s functional ability.

(3) ‘Physical infirmity’ means one of the following medically‑diagnosable conditions:

(a) an inability to ordinarily walk one hundred feet nonstop without aggravating an existing medical condition, including the increase of pain;

(b) an inability to ordinarily walk without the use of, or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(c) a restriction by lung disease to the extent that the person’s forced expiratory volume for one second when measured by spirometry is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(d) requires use of portable oxygen;

(e) a cardiac condition to the extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association. If the person’s status improves to a higher level, for example as a result of bypass surgery or transplantation, he no longer meets this criteria; or

(f) a substantial limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition, for example, coordination problems and muscle spasticity due to conditions that include Parkinson’s disease, cerebral palsy, or multiple sclerosis.

(C)(1) The commission must develop a standardized certification form designed to capture criteria related information relating to persons considered mentally or physically infirm. The form shall indicate whether the applicant meets one or more of the criteria, whether the condition is permanent or temporary, and if temporary, the expected duration.

(2) Certification pursuant to Section 56–3–1910 shall satisfy the physical infirmity requirements of subsection (D).

(D)(1) A person who is certified as being mentally or physically infirm by a licensed physician and provides a legible prescription order with a signature from the same physician may register with the commission to remove his name from jury lists.

(2) A person in the registry may voluntarily remove his name at any time.

(E) The State Election Commission shall remove the names of all registrants from jury lists prior to furnishing the jury list to county jury commissioners.

(F) The State Election Commission must keep and maintain a complete and accurate record of all names received, along with physician certifications.”

SECTION 2. This act takes effect upon approval by the Governor.

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