



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

Thursday, February 20, 2014, 10:30 a.m.

State Capitol, Conference Room 016

Written Testimony Only

By

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Bill No. and Title: Senate Bill No. 2452, Relating to Jury Duty

Purpose: Exempts breastfeeding mothers from jury duty for no more than one year from the time the mother begins breastfeeding the child and ceases when the mother is no longer breastfeeding the child. It further provides that the mother may be exempt for each child a mother breastfeeds.

Judiciary's Position:

The Judiciary recognizes the good intentions behind this bill but comments on the present system that appears to adequately accommodate breastfeeding mothers by: (1) allowing breastfeeding mothers to be exempted from jury duty if it is determined that jury duty would entail a serious personal hardship, or that for other good cause the prospective juror should be excused either temporarily or otherwise.” *See* Hawaii Revised Statutes (HRS) § 612-7; and (2) ensuring that private, designated spaces (and times) are provided for breastfeeding mothers.



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The Judiciary presently accommodates breastfeeding mothers and a blanket exemption simply opens the door for other exemptions so that the importance of jury duty could eventually be undermined. Under the present system, if a person calls the jury pool and explains that they are breastfeeding or that they are the caregiver of an infant or child, they are excused from jury duty for the year of service. Breastfeeding mothers may easily be deferred through a simple call to the jury pool office. We know of no situation where a breastfeeding mother was denied an exemption after bringing their situation to the jury pool's attention.

The Judiciary also accommodates breastfeeding mothers who wish to express milk during the period of jury service by providing space, time and privacy for doing so. Courts on each of the circuits have available designated rooms where breastfeeding mothers can express milk. We are aware of no situation where a breastfeeding mother has been required to serve on a jury if service on a jury would create a personal hardship, nor do we know of any situation where a breast feeding mother who wished to serve on jury duty was not accommodated if she made such a request.

Upon receiving a summons for jury duty, a nursing mother only needs to call the jury pool office and explain her situation. That information is made clear in the questionnaire she receives on a random basis that determines if she is eligible for jury duty. This is no different from people who have other conditions that would create a hardship for them if they were to serve. For instance, if a person explains that they are undergoing chemotherapy or dialysis and serving on a jury would constitute a personal hardship, the jury pool office provides a deferral.

Legislation exempting breastfeeding mothers opens the door to future requests by other groups for automatic exemptions from jury duty, which negatively impacts our need to maintain a large, diverse pool of potential jurors.

Thank you for the opportunity of commenting on Senate Bill 2452.