

JURY DUTY



Office of the Staff Judge Advocate Eielson AFB, Alaska

354 FW/JA

Legal Assistance & Preventive Law Pamphlet Series

If you are an active duty member and receive a summons to state or local jury duty, you must immediately notify your immediate commander.

As of April 2011

AIR FORCE EXEMPTION: GENERALLY

It is Air Force policy that members be allowed to fulfill their civic responsibilities by serving on state and local juries. However, Air Force members are exempt from jury duty when such duty would:

- interfere unreasonably with the member's military duties; or
- adversely affect the readiness of the unit, command, or activity to which the member is assigned.

The member's immediate commander decides if this exemption applies. In addition, the special court-martial convening authority may decide that:

- exemption is inappropriate and instruct the member to comply with the jury duty summons; or
- exemption is appropriate and that the immediate commander should send a written notice of the exemption to the issuing state or local official.

A written notice of exemption should contain the following information:

“(Grade and Name), a member of the United States Air Force on active duty, has been summoned to perform jury duty (when, where, and on what jury). Under 10 U.S.C. § 982, DoDD 5525.8, and Air Force Instruction 51-301, this member has been determined by the Secretary of the Air Force or an authorized designee

as exempt from duty on the jury in question because such jury service would unreasonably interfere with the performance of the member's military duties or would adversely affect the readiness of the unit, command, or activity to which the member is assigned. Under 10 U.S.C. § 982(b), this determination is conclusive.”

AIR FORCE EXEMPTION: SPECIAL SITUATIONS

In addition, all general officers, commanders, operating forces personnel in training and personnel stationed outside the US are exempt from serving on a state or local jury. If the member is exempt under this rule, the immediate commander or designee should notify the issuing state or local official.

SERVING DUTY

If a member fulfills their jury service, the unit should not charge against leave or deduct pay or entitlements for the period of service. Members may receive reimbursement from the state or local jury authority for expenses incurred in the performance of jury duty, such as transportation costs or parking fees.

ALASKA LAW

Generally, all English-speaking U.S. citizens aged 18 or older who have resided

in Alaska for 90 days are subject to jury service. Jurors must possess “natural faculties,” be of “ordinary intelligence,” and “without mental or physical infirmity preventing satisfactory jury service.” A person is not disqualified because of any disability. The court will provide and pay the costs of services of an interpreter or reader when necessary. Any juror summoned to court who willfully fails to attend without a reasonable excuse may be arrested and subject to charges for contempt of court.

CIVILIAN EXEMPTIONS/DISQUALIFICATIONS

Persons who file an affidavit with the court attesting to:

- poor health, or the poor health or proper care of the person’s family;
- a permanent physical or mental disability;
- other substantial hardship expected to last more than two years; or
- their status as a judicial officer.

may be exempt from service.

Persons **DISQUALIFIED** from jury service include all convicted felons and any person who has served as a juror in the state within one year from the time of examination for service.

A juror may not be excused for a trivial cause, hardship, or inconvenience to their business. They may only be excused when real or threatened material injury/destruction

occurs or may occur to their property or when the sickness or death of a family member requires their absence. In addition, persons who may be **EXCUSED** from jury service by the court include all people who:

- are over seventy-two (72) years of age;
- are required to care for their young children; or
- have served previously on a jury during the same jury term.

This pamphlet is for basic information on jury duty as it relates to military personnel stationed in Alaska. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the 354th Fighter Wing Legal Office for questions and further information.



