

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

May 21, 2019

Dear Senators:

Disability Rights Nebraska is the designated Protection and Advocacy organization for persons with disabilities in Nebraska. We note that there may have been an oversight in the construction of LB 387 which could have an impact on people with disabilities who could be potential jurors. We are taking a neutral position on this bill and want to raise an issue that may have been overlooked. We strongly suggest that some additional thought be given to the impact LB 387 would have on the pool of potential jurors with disabilities.

Currently, under Neb. Rev. Stat. § 25-1601, a person claiming mental or physical disability as being an impairment to service on a jury *may* be required to submit a physician's certificate as to the disability (presumably upon request of either the jury commissioner or the judge—the statute does not say who requires the submission). Under LB 387, a person with a disability would be *required* to obtain a physician's certificate verifying disability, which could be burdensome not only to the physician, but also to the individual with a disability.

We would recommend that, if the bill were to advance during this or next session, it would be prudent to remove the certificate requirement and retain the permissive language already in statute.

Sincerely,

Bradley A. Meurrens
Public Policy Director