

(H. B. 2545)

**(No. 300)**

(Approved December 26, 2006)

## **AN ACT**

To amend subsection (c) of Section 10 of Act No. 281 of September 27, 2003, to provide that all breast-feeding mothers shall be exempt from jury duty by eliminating the restriction stating that her child must be under twenty-four (24) months old.

### **STATEMENT OF MOTIVES**

Article II, Section 11 of the Constitution of the Commonwealth of Puerto Rico provides that in all prosecutions for a felony, the accused shall have the right trial by an impartial jury composed of twelve residents of the district, who shall render their verdict by a majority vote, which in no case may be less than nine. To guarantee the impartiality and fairness of the proceedings, Act No. 281 of September 27, 2003, established the criteria to be followed in the selection of said jury, including the persons exempted from said duty thereto.

The cited standards seek to guarantee a fair, speedy and economical trial, thus, the members of the jury must be persons that represent the community to which the accused belongs. Said persons shall meet the minimum eligibility requirements for jury duty.

On the other hand, this Legislature has recognized breast-feeding as the par excellence method for feeding infants. Its benefits in the physical and mental health of children are unrivaled; among them, it helps the baby develop as a more self-confident, independent, and spontaneous human being.

Although it is true that Section 10 of Act No. 281, cited above, provided to avoid the interruption of breast-feeding caused by a summons to the mother for

jury duty, it is also true that said exemption was limited exclusively to cases of mothers with children under twenty-four (24) months old.

Such an age restriction certainly does not protect the emotional bond between mother and child at such a crucial phase of life in the case of breast-fed children over that age.

This, although there are no medical standards regarding the breast-feeding period, but it rather depends on the circumstances of the mother and child. In this sense, the State should not discourage said practice, directly or indirectly, by establishing age limits in matters pertaining to breast-feeding.

With respect to the rearing and education of minors, the rights and duties fall upon the father, mother or guardian and the State shall respect that, provided they are exercised within the limits established by law. The purpose of this bill is to modify the existing exemption from jury duty for breast-feeding mothers to guarantee the mother's right to decide with respect to the feeding of her child, in order to reaffirm that mothers, not the State, shall establish the breast-feeding period in accordance with the particular circumstances of each case.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Subsection (c) of Section 10 of Act No. 281 of September 27, 2003, is hereby amended to read as follows:

“Section 10.- People Exempt from Serving as Jurors

The following shall be exempt from serving as a juror:

(a) . . .

(b) . . .

(c) Any woman breast-feeding her minor child and who presents a medical attestation to such fact.”

Section 2.- Effectiveness

This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 300 (H.B. 2545) of the 4<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend subsection (c) of Section 10 of Act No. 281 of September 27, 2003, to provide that all breast-feeding mothers shall be exempt from jury duty by eliminating the restriction stating that her child must be under twenty-four (24) months old,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 17<sup>th</sup> of April of 2007.

Francisco J. Domenech  
Director