

1978 S.C. Op. Atty. Gen. 209 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-181, 1978 WL 22649

Office of the Attorney General

State of South Carolina

Opinion No. 78-181

October 31, 1978

**\*1 SUBJECT: Juries**

- (1) Persons over sixty-five years of age are exempt from jury service.
- (2) Members of school boards and town councils are also exempt but only while in the actual discharge of their duties as a member of a school board or town council.
- (3) Ordained ministers, licensed embalmers, and licensed veterinarians are not exempt from jury service.

TO: Thad L. Carroll  
Clerk of Court  
York, S. C.

**QUESTION:**

Are the following people exempt from jury duty:

- (1) persons over sixty-five years of age;
- (2) members of school boards and town councils;

and

- (3) ordained ministers, licensed embalmers, and licensed veterinarians?

**DISCUSSION:**

With reference to the above questions, Act No. 579 of the 1978 Acts and Joint Resolutions states:

No person shall be exempt from service as a juror in any court of this State, except officers of the United States, of this State or of a county or municipal corporation while in the actual discharge of their duties as such, practicing physicians, surgeons, pharmacists, practicing attorneys at law, men and women over sixty-five years of age, registered nurses and licensed practical nurses. Notaries public shall not be deemed and considered state officers and shall not be exempt under this section.

This Act amends [Section 14-7-850 of the 1976 Code](#) of Laws.

As to the first question, pursuant to the above-referenced Act, persons over sixty-five years of age are exempt from jury service. As to the question concerning the exemption of members of school boards and town councils, it appears that the Act is sufficiently broad to exempt such members from jury service but such exemption would be effective only while

such members are in the actual discharge of their duties as members of a school board or town council. Inasmuch as ordained ministers, licensed embalmers, licensed veterinarians, and railroad employees were excluded from the listing in the referenced Act of those persons exempt from service as a juror, they no longer have the exemption as was formerly provided by [Section 14-7-850](#).

However, as you are aware, an exemption is not a disqualification. [State v. Toland, 36 S.C. 575, 15 S.E. 599](#). Therefore, while certain individuals are exempted by statute from jury duty, such exemption is a personal privilege which may be waived.

CONCLUSION:

Persons over sixty-five years of age and members of town councils and school boards while in the discharge of their duties as members of such boards or councils are exempt from jury service. Ordained ministers, licensed embalmers, and licensed veterinarians are no longer exempt.

Charles H. Richardson  
Assistant Attorney General

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