

If ordered by the judge, jurors are entitled to an allowance for childcare or for the care of other people under their responsibility, on presentation of supporting documents.

Other indemnities and allowances may be granted to jury members in certain circumstances, some of which must be authorized by the judge.

### How long does jury duty last?

The summons received by prospective jurors states that they may be called to a jury selection for a period of two to three months. People who are not retained as jurors for the case for which they were summoned may be called for other cases heard during the same period, if they have not yet been selected for a jury.

### Where do jurors stay during the trial?

Generally, jurors return home after each day of a hearing. It is only at the very end of the trial, for the time the jury retires to consider its verdict, that the jurors must stay together with no outside contact, if necessary in a hotel reserved and paid for by the Ministère de la Justice.

### For more information

The information summarized in this document was valid at the time of printing. For more information, go to the website of the Ministère de la Justice at [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca), or contact the Centre de communication avec la clientèle by phone, E-mail or mail.

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# JURY DUTY



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Jury duty involves serving as a member of a group of twelve citizens, known as a jury, to decide the guilt or innocence of a person accused of a crime.

### Receiving a summons for jury duty

Whenever a jury is required, the names of people able to serve as jurors are chosen at random from the list of electors. The people whose names are chosen become *prospective jurors*, and they are summoned to the courthouse where the members who will sit on the jury will be selected.

The sheriff summons the prospective jurors by sending them a jury summons, which indicates the date and time when they must go to the courthouse. **A failure to comply with the summons may lead to a penalty.**

### Role played by jurors

At the trial, the jury hears the persons called to testify at the trial and examines the documents or exhibits submitted as evidence. The jurors must form an opinion based on the facts presented at the trial and the explanations given by the judge. The jury's decision is called the "verdict" and must be unanimous.

If the jury finds the accused not guilty, he or she is acquitted immediately. If the jury finds the accused guilty, the judge pronounces the appropriate sentence.

### Who can be called as a juror?

Canadian citizens aged 18 or over who are registered on the list of electors may be called to perform jury duty. However, the following people cannot serve on a jury:

- judges, coroners and officers of the court (clerks, sheriffs, etc.);
- members of the Privy Council, the Senate, the House of Commons of Canada, the Conseil exécutif or the National Assembly of Québec;

- peace officers and fire fighters;
- practising lawyers or notaries;
- persons afflicted with a mental disability or mental illness;
- persons who are not sufficiently fluent in French or English;
- persons charged with or convicted of a criminal offence;
- the spouses of some of the people listed above.

### Can a person be exempted from jury duty?

The following people may apply for an exemption from jury duty:

- public servants involved in the administration of justice and their spouses;
- members of the Canadian Regular Forces;
- the personnel of the National Assembly of Québec;
- ministers of religion;
- persons 65 years of age or older and their spouses;
- persons afflicted with an infirmity;
- persons whose health or domestic obligations are incompatible with serving on a jury;
- persons who have served or have been chosen for jury duty in the five years preceding the date on which they are summoned again;
- persons who have a reason found to be reasonable by the sheriff.

To be exempted from jury duty, a prospective juror must complete and sign the form *Application for exemption or disqualification from jury duty or for postponement of jury duty to a later session* included with the summons. The form, along with an affidavit, must be sent by mail to the sheriff at the courthouse within 20 days of the date on which the summons was received. All prospective jurors who request an exemption will receive an answer by mail.

### Can an employer penalize an employee summoned for jury service?

Persons summoned as jurors are protected by law. Any employee penalized by an employer for taking time to serve on a jury can file a complaint with the Commission des relations du travail, and may also sue for damages.

However, an employer is not required to pay the salary of a person who is summoned as a prospective juror or absent on jury duty, unless this is required under a collective agreement or other contract of employment.

### Allowances and indemnities

The following amounts may be granted to prospective jurors called to a jury selection, and to jury members:

- transportation – the cost of public transport or \$0.43 per kilometre plus parking costs if they travel by car; receipts may be required;
- on presentation of receipts, the cost of meals up to the following amounts, including tax and tips:
  - breakfast - \$10.40;
  - lunch - \$14.30;
  - dinner - \$21.55.

No compensation is paid for the time spent in the courthouse for jury selection if the prospective juror is dismissed. However, those selected to form a jury receive \$103 for each day or part of a day of the hearing and deliberation, and for the time they spend confined to the premises designated by the sheriff. In a long trial, this amount is increased to \$160 per day on the 57th day after the jury is formed. Under the applicable regulation, jury members receive a supplementary allowance if the deliberations continue into the evening or until the next day, and in some other circumstances.