

1 SENATE BILL 187

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Richard C. Martinez

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7
8 ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

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10 AN ACT

11 RELATING TO COURTS; ALLOWING PERSONS SEVENTY-FIVE YEARS OF AGE
12 OR OLDER TO BE EXEMPTED FROM JURY SERVICE WITHOUT REQUIRING AN
13 AFFIDAVIT.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 38-5-2 NMSA 1978 (being Laws 1973,
17 Chapter 150, Section 1, as amended) is amended to read:

18 "38-5-2. EXEMPTION FROM JURY SERVICE--EXCUSALS--SERVICE
19 OF DISQUALIFIED JUROR.--

20 A. A person who has served as a member of a petit
21 jury panel or a grand jury in either state or federal courts
22 within the preceding thirty-six months shall be exempt from
23 sitting or serving as a juror in a court of this state when the
24 person requests to be exempted from service by reason of the
25 exemption granted by this subsection.

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1 B. A person who is seventy-five years of age or
2 older who [~~files an affidavit requesting an~~] requests exemption
3 from jury service with a local court shall be permanently
4 exempt from jury service.

5 C. A person may be excused from jury service at the
6 discretion of the judge or the judge's designee, with or
7 without the person's personal attendance upon the court, if:

8 (1) jury service would cause undue or extreme
9 physical or financial hardship to the prospective juror or to a
10 person under the prospective juror's care or supervision;

11 (2) the person has an emergency that renders
12 the person unable to perform jury service; or

13 (3) the person presents other satisfactory
14 evidence to the judge or the judge's designee.

15 D. A person requesting an exemption or an excuse
16 from jury service shall take all necessary action to obtain a
17 ruling on the request no later than the date on which the
18 person is scheduled to appear for jury duty.

19 E. The judge, in the judge's discretion, upon
20 granting any excuse, may disallow the fees and mileage of the
21 person excused.

22 F. The service upon a jury of a person disqualified
23 shall, of itself, not vitiate any indictment found or any
24 verdict rendered by that jury, unless actual injury to the
25 person complaining of the injury is shown.

underscoring material = new
~~[bracketed material] = delete~~

1 G. As used in this section and Section 38-5-1 NMSA
2 1978, "undue or extreme physical or financial hardship":

3 (1) means circumstances in which a person
4 would:

5 (a) be required to abandon another
6 person under the person's care or supervision due to the
7 extreme difficulty of obtaining an appropriate substitute
8 caregiver during the period of jury service;

9 (b) incur costs that would have a
10 substantial adverse impact on the payment of necessary daily
11 living expenses of the person or the person's dependent; or

12 (c) suffer physical hardship that would
13 result in illness or disease; and

14 (2) does not exist solely because a
15 prospective juror will be absent from employment."