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FISCAL IMPACT REPORT

SPONSOR HJCS DATE TYPED 3/10/05 HB 875/aHJCS

SHORT TITLE Create Lengthy Trial Fund SB _____

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	None		\$0.1		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Substitute Bill

The House Judiciary Committee Substitute amends Section 7-1-8 NMSA 1978 and changes jury operations in several ways.

Section 1:

- The committee substitute requires the Taxation and Revenue Department (TRD) to provide an electronic database of personal income tax filer names and addresses to the information systems division of the General Services Department that will be used to produce a random jury source list.
- The committee substitute allows TRD to confirm that a person is a registered taxpayer but does not allow the Department to disclose whether a person has filed a tax return. The only information TRD will provide is name and address. No tax information will be transferred.

Section 2:

- The committee substitute adds a legislative declaration to the Jury Enabling Statute (Section 38-5-1 NMSA 1978). "It is the policy of this state that all qualified citizens have an obligation to serve on juries and to give truthful information [when] they are called to serve."

Section 3:

- The committee substitute adds personal income tax filers to the existing jury source list of registered voters and driver's licenses.

Section 4:

- The committee substitute streamlines existing language regarding excusing or postponing an individual from jury service. The judge or the judge's designee is authorized to excuse or postpone individuals summoned for jury duty.

Section 5:

- The Supreme Court is given the authority to set the appropriate length of jury terms for all state courts. This will be done by rule and the Supreme Court must consider the number of trials held, the availability of jurors, and the administrative and financial impact on the courts.

Section 6:

- The committee substitute replaces the manual process for random jury selection with generic language that will be accurate as technology changes.

Section 7:

- If an employer provides annual, vacation, or sick leave, the employer cannot request or require the employee to use that leave for jury duty.

Significant Issues:

The current jury source list is compiled from registered voters and licensed drivers. Adding personal income tax filers will add unique names to the jury source list that are not on the jury source list today, and will add updated addresses yearly through the income tax filing process. The AOC anticipates that this bill will make the jury source list more diverse and the number of undeliverable summons will decline as the use of old addresses will decrease.

PERFORMANCE IMPLICATIONS

AOC notes that this bill may impact the Department's performance based budgeting measures identified for FY06.

FISCAL IMPLICATIONS

AOC reports there will likely be a minimal administrative cost for statewide update, distribution, and documentation of the statutory changes in this bill. This change has the potential to increase the workload of Courts, thus requiring additional resources to handle the increase. However, a more efficient jury pool selection process could positively impact the resources of the Courts.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Existing State policies regarding jury pool selection will remain.

AHO/lg