

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/07  
 SPONSOR Rainaldi LAST UPDATED 2/11/07 HB \_\_\_\_\_  
 SHORT TITLE Increase Jury Service Compensation SB 373/aSPAC  
 ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

| Appropriation |         | Recurring<br>or Non-Rec | Fund<br>Affected             |
|---------------|---------|-------------------------|------------------------------|
| FY07          | FY08    |                         |                              |
| None          | \$825.0 | Recurring               | Jury and Witness<br>Fee Fund |
|               |         |                         |                              |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Bernalillo Metropolitan Court

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee Amendment corrects and clarifies original bill by making technical changes.

On page 2, line 4, after “2008” the amendment inserts “and subsequent fiscal years”.

On page 2, line 7, after “shall” the amendment inserts “not”.

#### Synopsis of Original Bill

This bill amends §38-5-15 (NMSA 1978) and makes the hourly reimbursement for jurors \$7.50 an hour or the “prevailing state minimum wage rate,” whichever is greater. Jurors are reimbursed for their time at the courthouse. The bill states that unused funds will revert.

## **FISCAL IMPLICATIONS**

The bill appropriates \$825,000 to the Administrative Office of the Courts, which will go to the Jury and Witness Fee Fund §34-9-11 (NMSA 1978). Statutorily, all monies in the Jury and Witness Fee Fund are non-reverting §34-9-11(C) (NMSA 1978). The proposed bill and the existing statute conflict.

The LFC recommendation includes \$412,500 to raise the hourly rate for jurors to \$6.50. Therefore, only language and an additional \$412,500 are needed to raise juror pay to \$7.50

## **SIGNIFICANT ISSUES**

- Financial hardship because of low juror pay is one of the most common reasons persons ask to be excused from jury service. Employers are not required to pay employees who are serving as jurors. Many small employers do not pay employees on jury duty. Self employed business persons are likely to have no compensation while serving as a juror.
- The jury pool is disproportionately composed of retirees, government employees, and employees of large businesses.
- Courts struggle to provide enough jurors to meet their trial needs. Juror shortages can delay trials, delay resolution of cases, and cause ongoing uncertainty for parties, attorneys, witnesses, victims, and all others involved in the trial.

## **PERFORMANCE IMPLICATIONS**

Juror shortages can force postponing trials delaying resolution of cases. The courts are participating in performance based budgeting. For example, the district court's performance measure clearance rates may be impacted if ongoing juror shortages continue.

## **CONFLICT**

Statutorily, all monies in the Jury and Witness Fee Fund are non-reverting §34-9-11(C) (NMSA 1978). The proposed bill and the existing statute conflict.

## **DUPLICATION**

LFC recommended increasing the Jury and Witness Fee Fund by \$412,500 to raise the hourly rate for jurors to \$6.50.

## **TECHNICAL ISSUES**

Statutorily, the Jury and Witness Fee Fund is a non-reverting fund. Consequently, Page 2, line 7 of the bill should be amended: “remaining at the end of the fiscal year 2008 shall not revert to the”

## **ALTERNATIVES**

The LFC recommendation includes \$412,500 to raise the hourly rate for jurors to \$6.50 thus only language and an additional \$412,500 is needed to raise juror pay to \$7.50

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

CS/mt