

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 02/10/09  
 LAST UPDATED 03/02/09    **HB** \_\_\_\_\_

SPONSOR Boitano

SHORT TITLE Exemption From Jury Service    **SB** 376

ANALYST Sanchez, C

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 352

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Bernalillo County Metropolitan Court (BCMC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 376 amends Section 38-5-2 NMSA to expand the classes of individuals who may be excused from jury duty, at the discretion of the judge or the judge's designee, to include a person who:

- Is a parent not employed outside of the home and who is responsible for the care and custody of a child under the age of six years old; or

- Is a caregiver of an aged or infirm family member who is scheduled or expected to provide care at the time of the required jury service; provided, however, that the individual does not provide care through employment or as the caregiver's normal course of business.

### **FISCAL IMPLICATIONS**

The fiscal implications appear to be minimal. There would be some additional work in processing the excusals. It is also conceivable that there could be some added cost to the courts if trials have to be delayed when not enough potential jurors are available.

According to the Bernalillo County Metropolitan Court, the bill has the potential of reducing the number of available jurors, thereby increasing the workload of the Jury Division of the Metropolitan Court and requiring additional resources to call larger jury pools, orient larger numbers of jurors, and screen jurors for exemption. It is unknown the precise impact that the bill will have on the Court's workload and the resulting cost.

### **SIGNIFICANT ISSUES**

According to the Bernalillo County Metropolitan Court, the statute in its current form grants discretion to a judge or judge's designee to excuse a potential juror for extreme hardship, emergency or other reason. Excusing state-at-home parents of children under the age of six and caregivers without a showing of hardship may significantly decrease the number of individuals available to serve on juries and may result in trial delays in rural parts of the state.

### **ADMINISTRATIVE IMPLICATIONS**

According to the Bernalillo County Metropolitan Court, the proposed remedy is far worse than the purported problem. In actuality, few – if any - people are denied a deferral of, or outright excusal from, jury service by judges in the Metropolitan Court when they are able to show that such service will result in actual hardship.

### **RELATIONSHIP**

House Bill 352 would amend Section 38-5-2 NMSA to provide a permanent exemption from jury service to any person who is seventy years of age or older who files an affidavit "with a local court" requesting the exemption.

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

Status quo.

CS/mt:svb