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AN ACT

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

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

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

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

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

B. A person who is seventy-five years of age or older who requests exemption from jury service with a local court shall be permanently exempt from jury service.

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

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

1 supervision;

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

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

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

10 E. The judge, in the judge's discretion, upon  
11 granting any excuse, may disallow the fees and mileage of the  
12 person excused.

13 F. The service upon a jury of a person  
14 disqualified shall, of itself, not vitiate any indictment  
15 found or any verdict rendered by that jury, unless actual  
16 injury to the person complaining of the injury is shown.

17 G. As used in this section and Section 38-5-1 NMSA  
18 1978, "undue or extreme physical or financial hardship":

19 (1) means circumstances in which a person  
20 would:

21 (a) be required to abandon another  
22 person under the person's care or supervision due to the  
23 extreme difficulty of obtaining an appropriate substitute  
24 caregiver during the period of jury service;

25 (b) incur costs that would have a

1 substantial adverse impact on the payment of necessary daily  
2 living expenses of the person or the person's dependent; or

3 (c) suffer physical hardship that would  
4 result in illness or disease; and

5 (2) does not exist solely because a  
6 prospective juror will be absent from employment." \_\_\_\_\_

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