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## FISCAL IMPACT REPORT

SPONSOR Martinez ORIGINAL DATE 2/5/2020  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Persons Over 75 Exempt from Jury Duty SB 187  
ANALYST Dick-Peddie

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

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Attorney General (NMAG)

Public Defender Department (PDD)

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 174 modifies NMSA 1978, Section 38-5-2 so that individuals over 75 requesting an exemption from jury duty would not be required to submit an affidavit in support of their request.

The bill is endorsed by the Courts, Corrections, and Justice Committee.

There is no effective date of this bill. It is assumed the effective date is 90 days following adjournment of the Legislature.

### FISCAL IMPLICATIONS

Currently, those 75 years or older summoned for jury duty are required to submit an affidavit of proof of age to be excused from jury service. SB187 would remove the affidavit as a requirement for excusals. The responsibility to complete the affidavit, which must be notarized and mailed to courts, is entirely on the individual requesting the excusal. The Administrative Office of the Courts (AOC) notes that this process can be cumbersome on aging populations, who may have

health, financial, transportation, or other issues preventing them from properly filling out and mailing the affidavit. Senate Bill 174, identical legislation introduced in the 2019 legislative session, passed through both chambers but was vetoed through the governor's inaction.

AOC agency analysis suggests the passage of SB174 would result in marginal cost and time savings for courts statewide by reducing the paperwork processed by court staff. AOC explains that, if SB187 is enacted, an individual could request excusal over the phone, in-person, or by email (all currently not allowed) and their age could be verified without the notarized affidavit through the statewide jury management system.

#### **OTHER SUBSTANTIVE ISSUES**

Agency analysis submitted by the Public Defender Department suggests SB187 may violate the constitutional right of defendants over the age of 75 to a jury of their peers.

ADP/al