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FISCAL IMPACT REPORT

SPONSOR Soules **LAST UPDATED** _____
ORIGINAL DATE 1/29/2023
BILL
SHORT TITLE Increase Juror Compensation **NUMBER** Senate Bill 170
ANALYST Gray

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		\$988.6	\$988.6	\$1,977.2	Recurring	Jury and Witness Fund
Total						

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 139

Sources of Information

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Public Defender Department (PDD)
 New Mexico Sentencing Commission (NMSC)

SUMMARY

Synopsis of Senate Bill 170

Senate Bill 170 (SB170) proposes to increase compensation for jury service to 150 percent of the federal minimum wage rate or the New Mexico minimum wage rate, whichever is greater. Jurors are currently compensated at the higher of the state or federal minimum wage at the following hourly rates:

- \$11.5 effective January 1, 2022.
- \$12.0 effective January 1, 2023.

The new effective hourly rate for juror would be \$18.

The effective date of this bill is July 1, 2023.

FISCAL IMPLICATIONS

This analysis uses the current state minimum wage of \$12 per hour.

The contemplated change under SB170 would increase the cost of the juror compensation by approximately \$988.6 in FY24. Increased costs would remain \$988.6 in FY25.

Jurors and witnesses are paid from the jury and witness fund housed in the Administrative Office of the Courts (AOC). According to analysis from AOC, the introduced version of the 2023 General Appropriations Act does not contain sufficient revenue to the jury and witness fund for FY24 if the increases proposed by SB170 are implemented, and anticipates that the fund will be depleted by FY25.

LFC analysis indicates that the fund's cash balance decreased from \$3.1 million in December 2021 to \$2.1 million in December 2022. This is likely related to the increase of in-person court operations since the easing of pandemic restrictions.

House Bill 139 proposes to eliminate many fees assessed by courts. Currently, the Jury and Witness Fund is funded by fees and uses that revenue to pay jurors. Under HB139, those fees would be eliminated on July 1, 2024. General fund revenue would be needed to replace that funding, in addition to the additional operating budget needs proposed by SB170.

SIGNIFICANT ISSUES

Several counties and municipalities have minimum wage rates higher than the state and federal minimum wage. In 2015, the American Bar Association published an article [arguing](#) that increasing juror pay provides additional incentives to jurors and may increase juror turnout, especially among potential jurors from lower socioeconomic backgrounds.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill is related to House Bill 139 which proposes to eliminate some fees assessed by courts. Currently, revenues from those fees are used to pay jurors.

BG/rl/ne