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SENATE BILL 174

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO JURIES; PROVIDING FOR A VOLUNTARY EXEMPTION FROM
JURY SERVICE FOR PERSONS SEVENTY-FIVE YEARS OF AGE OR OLDER.

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

Section 1. Section 38-5-1 NMSA 1978 (being Laws 1969,
Chapter 222, Section 1, as amended) is amended to read:

"38-5-1. QUALIFICATION OF JURORS. --Any person who is at
least eighteen years of age, a United States citizen, a
resident of New Mexico residing in the county for which a jury
may be convened and is not a convicted felon is eligible and
may be summoned for service as a juror by the district courts
and magistrate courts, unless the person is incapable because
of physical or mental illness or infirmity to render jury
service or unless the person is seventy-five years of age or
older and he chooses to exempt himself from jury duty."

underscored material = new
[bracketed material] = delete

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

3 "38-5-2. EXEMPTION FROM JURY SERVICE. --

4 A. Persons who have served as members of a petit
5 jury panel or a grand jury in either state or federal courts
6 within the preceding thirty-six months shall be exempt from
7 sitting or serving as jurors in any of the courts of this
8 state when they, at their option, request to be excused from
9 service by reason of the exemption granted by this ~~[section]~~
10 subsection.

11 B. Persons who are seventy-five years of age or
12 older shall be exempt from sitting or serving as jurors in any
13 of the courts of this state when they, at their option,
14 request to be excused from service by reason of the exemption
15 granted by this subsection.

16 C. Any other person may be excused from jury
17 service at the discretion of the judge upon satisfactory
18 evidence presented to the judge with or without the person's
19 personal attendance upon the court.

20 D. The judge, in his discretion, upon granting any
21 excuse, may disallow the fees and mileage of the person
22 excused.

23 E. The service upon any jury of any person
24 disqualified shall, of itself, not vitiate any indictment
25 found or any verdict rendered by that jury, unless actual

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underscored material = new
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injury to the person complaining of the injury is shown. "