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FISCAL IMPACT REPORT

SPONSOR Herrera DATE TYPED 2/15/05 HB 395

SHORT TITLE Excuse 65 & Over From Jury Duty SB _____

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative	Recurring	

SOURCES OF INFORMATION

LFC Files

Responses Received From

Bernalillo Metropolitan Court
 Administrative Office of the Courts (AOC)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 395 adds an additional basis for excuse, exclusion or postponement from jury service that the summoned person has “attained sixty-five or more years of age”.

Significant Issues

HB 395 may make it difficult to accumulate the required number of persons to serve on a panel of eligible jurors. New Mexico is a retirement destination and people over the age of sixty-four represent a significant portion of the community.

The AOC notes that the trial system is based on a jury of one’s peers. Age is not a certain indicator of a person’s ability to serve as a juror. Automatic excusals limit the diversity of the jury based on a group of persons, not the person’s actual ability to serve.

The PDD reports that jury pools are so small in some districts that the courts find it very difficult to get an unbiased jury panel selected. Jurors are often required to sit through several trials, which is unfair. Jurors are often required to sit even when they have expressed doubts about their

ability to be fair and impartial.

PERFORMANCE IMPLICATIONS

The PDD notes that retired individuals comprise a large percentage of jurors because they do want to serve and make good jurors. If citizens over the age of 65 do not sit as jurors, it may be extremely difficult to empanel juries.

FISCAL IMPLICATIONS

The increased workload anticipated by the courts may impact staff and resources.

ADMINISTRATIVE IMPLICATIONS

There will likely be an increased workload for Court staff that process the additional excusals and select replacements from the remaining, available and eligible population of potential jurors.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 64, HB 461 Create a Lengthy Trial Fund
SB 40 Expand jury selection pool
SB 288 Expand jury selection exemption

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

A study by county of the extent to which excusing this population may affect the population of available jurors.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Existing jury selection process will remain.

AHO/yr