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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/07

SPONSOR Rodella LAST UPDATED \_\_\_\_\_ HB 1255

SHORT TITLE Excusals from Jury Duty SB \_\_\_\_\_

ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 170

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Bernalillo County Metropolitan Court (BCMC)  
Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Bill 1255 amends NMSA Section 38-5-2 (1978) to allow a person to be excused from jury service without the person's personal attendance upon the court.

The bill adds a new Subsection C that provides that a person may be excused from jury service without attendance upon the court if he or she provides, within the time indicated on the jury summons, a written request supported by satisfactory evidence for exemption from jury service due to extreme physical hardship.

The bill also adds a new Subsection D to the above statute that provides that a person who is excused from jury service due to extreme physical hardship shall not be summoned for jury service for at least three (3) years from the date of excusal.

**FISCAL IMPLICATIONS**

Passage of the bill will require State Courts to increase the number of summonses that are mailed per week, and will add an unknown cost to the Court for providing jury panels in jury-eligible cases.

**SIGNIFICANT ISSUES**

The bill provides no guidance as to what is to be considered either “extreme physical hardship” or “satisfactory evidence for exemption from jury service.”

According to the Bernalillo Metropolitan Court, courts are experiencing a high rate of excusals for single parents and caregivers and a similarly high rate of individuals who fail to appear in response to their jury summonses. As a result, courts are already straining to meet the increasing number of jury demands. A blanket excusal of three (3) years for extreme physical hardship will further disrupt the ability to seat panels on jury-eligible cases.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 1255 relates to SB 170 which, if passed, will likewise amend NMSA Section 38-5-2 (1978) to increase the number of individuals who are eligible to be excused from jury service. SB 170 will excuse from jury duty expectant and breast feeding mothers, parents and guardians without full time employment who have custody of a child under six (6) years of age and caregivers for the elderly and infirmed.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

**POSSIBLE QUESTIONS**

Presently, what accommodations are made for jurors with extremely physical hardship?

CS/csd