## 49th legislature - STATE OF NEW MEXICO - FIRST SESSION, 2009

## INTRODUCED BY

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HOUSE BILL 584

 AN ACT

RELATING TO COURTS; REQUIRING PERSONAL ATTENDANCE UPON THE
COURT IN ORDER TO BE EXCUSED FROM JURY SERVICE; ALLOWING JUDGES
TO EXCUSE A PERSON FROM JURY SERVICE WITHOUT PERSONAL
ATTENDANCE DUE TO EXTREME PHYSICAL HARDSHIP.

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

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

"38-5-2. EXEMPTION FROM JURY SERVICE--EXCUSALS--SERVICE OF DISQUALIFIED JUROR.--

A. A person who has served as a member of a petit jury panel or a grand jury in either state or federal courts within the preceding thirty-six months shall be exempt from sitting or serving as a juror in a court of this state when the person requests to be exempted from service by reason of the .176316.1

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exemption granted by this subsection.

- A person may be excused from jury service at the discretion of the judge or the judge's designee [with or without the person's personal attendance upon the court] if:
- jury service would cause undue or extreme (1) physical or financial hardship to the prospective juror or to a person under the prospective juror's care or supervision;
- (2) the person has an emergency that renders the person unable to perform jury service; or
- the person presents other satisfactory (3) evidence to the judge or the judge's designee.
- C. A person may be excused from jury service pursuant to Subsection B of this section with or without the person's personal attendance upon the court; except that the judge or the judge's designee shall not require a person's personal attendance upon the court if the person provides, within the required time period indicated on the summons, a written request supported by satisfactory evidence for exemption from jury service due to extreme physical hardship.
- [C.] D. A person requesting an exemption or an excuse from jury service shall take all necessary action to obtain a ruling on the request no later than the date on which the person is scheduled to appear for jury [duty] service.
- [D.] E. The judge, in the judge's discretion, upon granting any excuse, may disallow the fees and mileage of the .176316.1

= new	= delete
underscored material	[bracketed material]

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 $[E_{\bullet}]$  F. The service upon a jury of a person disqualified shall, of itself, not vitiate any indictment found or any verdict rendered by that jury, unless actual injury to the person complaining of the injury is shown.

 $[F_{\bullet}]$  G. As used in this section and Section 38-5-1 NMSA 1978, "undue or extreme physical or financial hardship":

(1) means circumstances in which a person would:

(a) be required to abandon another person under the person's care or supervision due to the extreme difficulty of obtaining an appropriate substitute caregiver during the period of jury service;

(b) incur costs that would have a substantial adverse impact on the payment of necessary daily living expenses of the person or the person's dependent; or

(c) suffer physical hardship that would result in illness or disease; and

does not exist solely because a prospective juror will be absent from employment."

Section 2. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2009.