AN ACT

RELATING TO JURIES; REQUIRING REMOVAL OF SERVICE MEMBERS
KILLED OR MISSING IN ACTION FROM JURY DATABASES.

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

   SECTION 1. Section 38-5-3 NMSA 1978 (being Laws 1991,
Chapter 71, Section 2, as amended) is amended to read:

   "38-5-3. SOURCE FOR JUROR SELECTION.--

        A. Each county clerk shall make available to the
secretary of state a database of registered voters of the
clerk's county. The secretary of state shall preserve and
make available to the department of information technology, by
electronic media, a database of New Mexico registered voters,
by county, which shall be updated every six months. The
director of the motor vehicle division of the taxation and
revenue department shall make available by electronic media to
the department of information technology a database of
driver's license holders in each county, which shall be
updated every six months. The secretary of taxation and
revenue shall make available to the department of information
technology, by electronic media, a database of New Mexico
personal income tax filers by county, which shall be updated
every six months. The updates shall occur in June and
December.

        B. The department of information technology shall HB 181

program the merger of the registered voter, driver's license and personal income tax filer databases from each county to form a master jury database and write a computer program so that a random selection of jurors can be made. A discrimination shall not be exercised except for the elimination of persons who are not eligible for jury service. The administrative office of the courts shall provide specifications for the merging of the registered voter, driver's license and personal income tax filer databases to form the master jury database. The master jury database shall be the database that produces the random jury list for the selection of petit or grand jurors for the state courts.

     C. The secretary of veterans' services and the adjutant general of the department of military affairs shall make available, by electronic media, to the administrative office of the courts a database of service members who were killed or missing in action during military service, which shall be updated every six months. The administrative office of the courts shall remove the names of service members who were killed or missing in action during military service from the master jury database that produces the random jury list for the state courts.

     D. The court shall, by order, designate the number of potential jurors to be selected and the date on which the jurors are to report for empaneling. Within fifteen days

after receipt of a copy of the order, the administrative office of the courts shall provide the random jury list to the court. The department of information technology shall print the random jury list and jury summons mailer forms within ten days after receiving the request from the administrative office of the courts. Upon issuance of the order, the department of information technology shall draw from the most current registered voter, driver's license and personal income tax filer databases to create the random jury list.

     E. The department of information technology may transfer the master jury database to a court that has compatible equipment to accept such a transfer. The court accepting the master jury database shall transfer the information to a programmed computer used for the random selection of petit or grand jurors."