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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/22/13

SPONSOR Louis LAST UPDATED \_\_\_\_\_ HB 555

SHORT TITLE De Novo Criminal District Court Trial Juries SB \_\_\_\_\_

ANALYST Jorgensen

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		
None	Minimal	Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)  
 Attorney General's Office (AGO)  
 Public Defender Department (PDD)

### SUMMARY

#### Synopsis of Bill

House Bill 555 amends Section 38-5-13 (Drawing and Qualifying Trial Jury) to require six person juries in de novo criminal appeals from magistrate and metropolitan courts.

### FISCAL IMPLICATIONS

This bill will save the Jury and Witness Fund a small amount of money. Fewer jurors will need to be called and paid in the small number of de novo appeals.

### SIGNIFICANT ISSUES

Criminal cases tried in metropolitan and magistrate courts are heard by six person juries (NM Const. Article II, Section 12) and de novo appeals are heard in the district courts. Section 38-5-13 requires twelve member juries in district court criminal cases. The statute is however silent as to the size of the jury on de novo appeals from courts of limited jurisdiction. As a result, cases initially tried to a six person jury are heard by a twelve person jury on appeal. Smaller juries on

de novo appeals would not only be consistent with the rights afforded parties in the lower courts, but would also reduce the burden on district courts and jurors.

NCJ/svb