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F I S C A L I M P A C T R E P O R T

SPONSOR McQueen/Stefanicks ORIGINAL DATE 1/31/21 LAST UPDATED _____ HB 185
SHORT TITLE Exempt Over 75 From Jury Duty-No Affidavit SB _____
ANALYST Dick-Peddie

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	Indeterminate but Minimal	Indeterminate but Minimal	Indeterminate but Minimal	N/A	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General (NMAG)

No Response Received
Administrative Office of the Courts (AOC)
Public Defender Department (PDD)
Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Bill

House Bill 185 amends Section 38-5-2 NMSA 1978, which outlines grounds for excusal from jury duty, to no longer require individuals 75 years or older to obtain an affidavit confirming their age to be excused from jury duty. Nearly identical legislation (Senate Bill 174) passed both Legislative chambers in the 2019 legislative session but was vetoed through inaction.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. The minimal costs are likely to be offset by minimal savings in an increase of exempted jurors who will no longer receive pay.

SIGNIFICANT ISSUES

Though the Administrative Office of the Courts did not submit agency analysis by this FIR's completion, HB185 is one of the judiciary's endorsed pieces of legislation, vetted by several judicial committees before approval by the New Mexico Supreme Court.

LFC analysis shows that enacting HB185 would

- Reduce paperwork for court staff.
- Allow eligible individuals to request excusal by phone, email, online, mail, etc., without a notarized form.
- Allow courts to verify age using existing systems, such as the courts statewide jury management system, or other means without a notarized from.

It is possible that if all eligible individuals requested excusal from jury duty, a defendant over the age of 75 would be deprived of a jury "of their peers."

ADP/HJC/al