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SENATE BILL 132

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO COURTS; PROVIDING AN EXEMPTION FROM JURY SERVICE FOR A PERSON WHO IS THE PARENT AND PRIMARY CAREGIVER FOR A CHILD LESS THAN EIGHT YEARS OF AGE; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 38-5-11 NMSA 1978 (being Laws 1969, Chapter 222, Section 11, as amended) is amended to read:

"38-5-11. QUALIFYING JURY PANELS. --

A. The court shall empanel jurors in a random manner. The district judge or his designee or the magistrate or his designee shall preside over the empaneling of a petit jury panel. The district judge or his designee shall preside over the empaneling of the grand jury panel. Jurors who appear for service shall be questioned under oath as to their

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1 eligibility for jury service by the district judge or his
2 designee or the magistrate or his designee. Claims of
3 exemption, requests for excuse from service or postponement of
4 [~~services~~] service shall be ruled upon by the district judge
5 or his designee or the magistrate or his designee.

6 B. A district judge or his designee or a
7 magistrate or his designee may excuse, exclude or postpone the
8 [~~services~~] service of any person called as a juror on the
9 basis of:

10 (1) physical or mental illness of the person
11 or within his immediate family;

12 (2) a written request from the person's
13 employer for excuse on the ground that his services are
14 essential; [~~or~~]

15 (3) the person's prior business, professional
16 or educational commitments which conflict with jury service,
17 proven to the satisfaction of the district judge or his
18 designee or the magistrate or his designee; or

19 (4) the person's responsibilities as the
20 parent and primary caregiver for a child less than eight years
21 of age.

22 C. The district judge or his designee or the
23 magistrate or his designee shall submit questionnaires to
24 prospective jurors to obtain any information that will aid the
25 court in ruling on requests for exemption or excuse from

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1 service or postponement of service or that will aid the court
2 or parties in voir dire examination of jurors or in
3 determining a juror's qualifications to serve on a particular
4 petit jury panel, trial jury or grand jury. The district
5 judge or his designee or the magistrate or his designee shall
6 certify a numbered list of the jury panel members' names when
7 qualified. The certified list of jurors and the
8 questionnaires obtained from jurors shall be made available
9 for inspection and copying by any party to any pending
10 proceeding or [~~their~~] any party's attorney or to any person
11 having good cause for access to the list and the
12 questionnaires. "

13 Section 2. EFFECTIVE DATE. --The effective date of the
14 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 17, 1999

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

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13 SENATE BILL 132

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

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19 Respectfully submitted,

Shannon Robinson, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 1 Against

Yes: 4

No: Robinson

Excused: Boitano, Feldman, Ingle, Smith

Absent: None

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