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SENATE BILL 177

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

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO COURTS; PROVIDING AN EXEMPTION FROM JURY DUTY FOR PERSONS SEVENTY YEARS OF AGE AND OLDER AT THE OPTION OF THE PERSON.

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~~] EXEMPTIONS FROM JURY SERVICE. -- Persons seventy years of age or older and persons who have served as members 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 jurors in any of the courts of this state when they, at their option, request to be excused from service by reason of the [~~exemption~~] exemptions granted by this section. A person

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 claiming the age exemption may do so by furnishing proof of
2 age and a request for excuse to the judge by mail and shall
3 not be required to appear in court to exercise the option to
4 be excused. Any other person may be excused from jury service
5 at the discretion of the judge upon satisfactory evidence
6 presented to the judge with or without the person's personal
7 attendance upon the court. The judge, in his discretion, upon
8 granting any excuse, may disallow the fees and mileage of the
9 person excused. The service upon any jury of any person
10 disqualified shall, of itself, not vitiate any indictment
11 found or any verdict rendered by that jury, unless actual
12 injury to the person complaining of the injury is shown. "