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AN ACT

RELATING TO JURIES; EXPANDING THE JURY POOL TO INCLUDE  
PERSONAL INCOME TAX FILERS; MODIFYING EXCUSALS AND  
QUALIFICATIONS; ALLOWING POSTPONEMENTS; PROVIDING THAT THE  
SUPREME COURT DETERMINE LENGTH OF JURY TERMS; PROTECTING  
EMPLOYEES; UPDATING LANGUAGE ON RANDOM SELECTION OF JURORS TO  
REFLECT NEW TECHNOLOGY; RECONCILING MULTIPLE AMENDMENTS FROM  
LAWS 2003.

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

Section 1. Section 7-1-8 NMSA 1978 (being Laws 1965,  
Chapter 248, Section 13, as amended by Laws 2003, Chapter  
398, Section 5 and by Laws 2003, Chapter 439, Section 1) is  
amended to read:

"7-1-8. CONFIDENTIALITY OF RETURNS AND OTHER  
INFORMATION.--It is unlawful for an employee of the  
department or a former employee of the department to reveal  
to an individual other than another employee of the  
department information contained in the return of a taxpayer  
made pursuant to a law subject to administration and  
enforcement under the provisions of the Tax Administration  
Act or any other information about a taxpayer acquired as a  
result of the employee's employment by the department and not  
available from public sources, except:

A. to an authorized representative of another

1 state; provided that the receiving state has entered into a  
2 written agreement with the department to use the information  
3 for tax purposes only and that the receiving state has  
4 enacted a confidentiality statute similar to this section to  
5 which the representative is subject;

6 B. to a representative of the secretary of the  
7 treasury or the secretary's delegate pursuant to the terms of  
8 a reciprocal agreement entered into with the federal  
9 government for exchange of the information;

10 C. to the multistate tax commission or its  
11 authorized representative; provided that the information is  
12 used for tax purposes only and is disclosed by the multistate  
13 tax commission only to states that have met the requirements  
14 of Subsection A of this section;

15 D. to a district court, an appellate court or a  
16 federal court:

17 (1) in response to an order thereof in an  
18 action relating to taxes to which the state is a party and in  
19 which the information sought is about a taxpayer who is party  
20 to the action and is material to the inquiry, in which case  
21 only that information may be required to be produced in court  
22 and admitted in evidence subject to court order protecting  
23 the confidentiality of the information and no more;

24 (2) in an action in which the department is  
25 attempting to enforce an act with which the department is

1 charged or to collect a tax; or

2 (3) in any matter in which the department is  
3 a party and the taxpayer has put the taxpayer's own liability  
4 for taxes at issue, in which case only that information  
5 regarding the taxpayer who is party to the action may be  
6 produced, but this shall not prevent the disclosure of  
7 department policy or interpretation of law arising from  
8 circumstances of a taxpayer who is not a party;

9 E. to the taxpayer or to the taxpayer's authorized  
10 representative; provided, however, that nothing in this  
11 subsection shall be construed to require any employee to  
12 testify in a judicial proceeding except as provided in  
13 Subsection D of this section;

14 F. information obtained through the administration  
15 of a law not subject to administration and enforcement under  
16 the provisions of the Tax Administration Act to the extent  
17 that release of that information is not otherwise prohibited  
18 by law;

19 G. in a manner, for statistical purposes, that the  
20 information revealed is not identified as applicable to an  
21 individual taxpayer;

22 H. with reference to information concerning the  
23 tax on tobacco imposed by Sections 7-12-1 through 7-12-13 and  
24 Sections 7-12-15 and 7-12-17 NMSA 1978 to a committee of the  
25 legislature for a valid legislative purpose or to the

1 attorney general for purposes of Section 6-4-13 NMSA 1978 and  
2 the master settlement agreement defined in Section 6-4-12  
3 NMSA 1978;

4 I. to a transferee, assignee, buyer or lessor of a  
5 liquor license, the amount and basis of an unpaid assessment  
6 of tax for which the transferor, assignor, seller or lessee  
7 is liable;

8 J. to a purchaser of a business as provided in  
9 Sections 7-1-61 through 7-1-63 NMSA 1978, the amount and  
10 basis of an unpaid assessment of tax for which the  
11 purchaser's seller is liable;

12 K. to a municipality of this state upon its  
13 request for a period specified by that municipality within  
14 the twelve months preceding the request for the information  
15 by that municipality:

16 (1) the names, taxpayer identification  
17 numbers and addresses of registered gross receipts taxpayers  
18 reporting gross receipts for that municipality under the  
19 Gross Receipts and Compensating Tax Act or a local option  
20 gross receipts tax imposed by that municipality. The  
21 department may also release the information described in this  
22 paragraph quarterly or upon such other periodic basis as the  
23 secretary and the municipality may agree; and

24 (2) information indicating whether persons  
25 shown on a list of businesses located within that

1 municipality furnished by the municipality have reported  
2 gross receipts to the department but have not reported gross  
3 receipts for that municipality under the Gross Receipts and  
4 Compensating Tax Act or a local option gross receipts tax  
5 imposed by that municipality.

6 The employees of municipalities receiving information as  
7 provided in this subsection shall be subject to the penalty  
8 contained in Section 7-1-76 NMSA 1978 if that information is  
9 revealed to individuals other than other employees of the  
10 municipality in question or the department;

11 L. to the commissioner of public lands for use in  
12 auditing that pertains to rentals, royalties, fees and other  
13 payments due the state under land sale, land lease or other  
14 land use contracts; the commissioner of public lands and  
15 employees of the commissioner are subject to the same  
16 provisions regarding confidentiality of information as  
17 employees of the department;

18 M. the department shall furnish, upon request by  
19 the child support enforcement division of the human services  
20 department, the last known address with date of all names  
21 certified to the department as being absent parents of  
22 children receiving public financial assistance. The child  
23 support enforcement division personnel shall use such  
24 information only for the purpose of enforcing the support  
25 liability of the absent parents and shall not use the

1 information or disclose it for any other purpose; the child  
2 support enforcement division and its employees are subject to  
3 the provisions of this section with respect to any  
4 information acquired from the department;

5 N. the department shall furnish to the information  
6 systems division of the general services department, by  
7 electronic media, a database containing New Mexico personal  
8 income tax filers by county, which shall be updated  
9 quarterly. The database information shall be used only for  
10 the purpose of producing the random jury list for the  
11 selection of petit or grand jurors for the state courts  
12 pursuant to Section 38-5-3 NMSA 1978. The database shall not  
13 contain any financial information. If any information in the  
14 database is revealed by an employee of the administrative  
15 office of the courts or the information systems division to  
16 individuals other than employees of the administrative office  
17 of the courts, the state courts, the information systems  
18 division or the department, the employee shall be subject to  
19 the penalty provisions of Section 7-1-76 NMSA 1978;

20 O. with respect to the tax on gasoline imposed by  
21 the Gasoline Tax Act, the department shall make available for  
22 public inspection at monthly intervals a report covering the  
23 number of gallons of gasoline and ethanol blended fuels  
24 received and deducted, and the amount of tax paid by each  
25 person required to file a gasoline tax return or pay gasoline

1 tax in the state of New Mexico;

2 P. the identity of a rack operator, importer,  
3 blender, supplier or distributor and the number of gallons  
4 reported on returns required under the Gasoline Tax Act,  
5 Special Fuels Supplier Tax Act or Alternative Fuel Tax Act to  
6 a rack operator, importer, blender, distributor or supplier,  
7 but only when it is necessary to enable the department to  
8 carry out its duties under the Gasoline Tax Act, the Special  
9 Fuels Supplier Tax Act or the Alternative Fuel Tax Act;

10 Q. the department shall release upon request only  
11 the names and addresses of all gasoline or special fuel  
12 distributors, wholesalers and retailers to the New Mexico  
13 department of agriculture, the employees of which are thereby  
14 subject to the penalty contained in Section 7-1-76 NMSA 1978  
15 if that information is revealed to individuals other than  
16 employees of either the New Mexico department of agriculture  
17 or the department;

18 R. the department shall answer all inquiries  
19 concerning whether a person is or is not a registered  
20 taxpayer for tax programs that require registration, but  
21 nothing in this subsection shall be construed to allow the  
22 department to answer inquiries concerning whether a person  
23 has filed a tax return;

24 S. upon request of a municipality or county of  
25 this state, the department shall permit officials or

1 employees of the municipality or county to inspect the  
2 records of the department pertaining to an increase or  
3 decrease to a distribution or transfer made pursuant to  
4 Section 7-1-6.15 NMSA 1978 for the purpose of reviewing the  
5 basis for the increase or decrease. The municipal or county  
6 officials or employees receiving information provided in this  
7 subsection shall not reveal that information to any person  
8 other than another employee of the municipality or the  
9 county, the department or a district court, an appellate  
10 court or a federal court in a proceeding relating to a  
11 disputed distribution and in which both the state and the  
12 municipality or county are parties. Information provided  
13 pursuant to provisions of this subsection that is revealed  
14 other than as provided in this subsection shall subject the  
15 person revealing the information to the penalties contained  
16 in Section 7-1-76 NMSA 1978;

17 T. to a county of this state that has in effect a  
18 local option gross receipts tax imposed by the county upon  
19 its request for a period specified by that county within the  
20 twelve months preceding the request for the information by  
21 that county:

22 (1) the names, taxpayer identification  
23 numbers and addresses of registered gross receipts taxpayers  
24 reporting gross receipts either for that county in the case  
25 of a local option gross receipts tax imposed on a countywide

1 basis or only for the areas of that county outside of any  
2 incorporated municipalities within that county in the case of  
3 a county local option gross receipts tax imposed only in  
4 areas of the county outside of any incorporated  
5 municipalities. The department may also release the  
6 information described in this paragraph quarterly or upon  
7 such other periodic basis as the secretary and the county may  
8 agree;

9 (2) in the case of a local option gross  
10 receipts tax imposed by a county on a countywide basis,  
11 information indicating whether persons shown on a list of  
12 businesses located within the county furnished by the county  
13 have reported gross receipts to the department but have not  
14 reported gross receipts for that county under the Gross  
15 Receipts and Compensating Tax Act or a local option gross  
16 receipts tax imposed by that county on a countywide basis;  
17 and

18 (3) in the case of a local option gross  
19 receipts tax imposed by a county only on persons engaging in  
20 business in that area of the county outside of incorporated  
21 municipalities, information indicating whether persons on a  
22 list of businesses located in that county outside of the  
23 incorporated municipalities but within that county furnished  
24 by the county have reported gross receipts to the department  
25 but have not reported gross receipts for that county outside

1 of the incorporated municipalities within that county under  
2 the Gross Receipts and Compensating Tax Act or a local option  
3 gross receipts tax imposed by the county only on persons  
4 engaging in business in that county outside of the  
5 incorporated municipalities.

6 The officers and employees of counties receiving  
7 information as provided in this subsection shall be subject  
8 to the penalty contained in Section 7-1-76 NMSA 1978 if the  
9 information is revealed to individuals other than other  
10 officers or employees of the county in question or the  
11 department;

12 U. to authorized representatives of an Indian  
13 nation, tribe or pueblo, the territory of which is located  
14 wholly or partially within New Mexico, pursuant to the terms  
15 of a reciprocal agreement entered into with the Indian  
16 nation, tribe or pueblo for the exchange of that information  
17 for tax purposes only; provided that the Indian nation, tribe  
18 or pueblo has enacted a confidentiality statute similar to  
19 this section;

20 V. information with respect to the taxes or tax  
21 acts administered pursuant to Subsection B of Section 7-1-2  
22 NMSA 1978, except that:

23 (1) information for or relating to a period  
24 prior to July 1, 1985 with respect to Sections 7-25-1 through  
25 7-25-9 and 7-26-1 through 7-26-8 NMSA 1978 may be released

1 only to a committee of the legislature for a valid  
2 legislative purpose;

3 (2) except as provided in Paragraph (3) of  
4 this subsection, contracts and other agreements between the  
5 taxpayer and other parties and the proprietary information  
6 contained in those contracts and agreements shall not be  
7 released without the consent of all parties to the contract  
8 or agreement; and

9 (3) audit workpapers and the proprietary  
10 information contained in the workpapers shall not be released  
11 except to:

12 (a) the minerals management service of  
13 the United States department of the interior, if production  
14 occurred on federal land;

15 (b) a person having a legal interest in  
16 the property that is subject to the audit;

17 (c) a purchaser of products severed  
18 from a property subject to the audit; or

19 (d) the authorized representative of  
20 any of the persons in Subparagraphs (a) through (c) of this  
21 paragraph. This paragraph does not prohibit the release of  
22 proprietary information contained in the workpapers that is  
23 also available from returns or from other sources not subject  
24 to the provisions of this section;

25 W. information with respect to the taxes,

1     surtaxes, advance payments or tax acts administered pursuant  
2     to Subsection C of Section 7-1-2 NMSA 1978;

3             X. to the public regulation commission,  
4     information with respect to the Corporate Income and  
5     Franchise Tax Act required to enable the commission to carry  
6     out its duties;

7             Y. to the state racing commission, information  
8     with respect to the state, municipal and county gross  
9     receipts taxes paid by racetracks;

10            Z. upon request of a corporation authorized to be  
11     formed under the Educational Assistance Act, the department  
12     shall furnish the last known address and the date of that  
13     address of every person certified to the department as an  
14     absent obligor of an educational debt due and owed to the  
15     corporation or that the corporation has lawfully contracted  
16     to collect. The corporation and its officers and employees  
17     shall use that information only to enforce the educational  
18     debt obligation of the absent obligors and shall not disclose  
19     that information or use it for any other purpose;

20            AA. a decision and order made by a hearing officer  
21     pursuant to Section 7-1-24 NMSA 1978 with respect to a  
22     protest filed with the secretary on or after July 1, 1993;

23            BB. information required by a provision of the Tax  
24     Administration Act to be made available to the public by the  
25     department;

1           CC. upon request by the Bernalillo county  
2 metropolitan court, the department shall furnish the last  
3 known address and the date of that address for every person  
4 the court certifies to the department as a person who owes  
5 fines, fees or costs to the court or who has failed to appear  
6 pursuant to a court order or a promise to appear;

7           DD. upon request by a magistrate court, the  
8 department shall furnish the last known address and the date  
9 of that address for every person the court certifies to the  
10 department as a person who owes fines, fees or costs to the  
11 court or who has failed to appear pursuant to a court order  
12 or a promise to appear;

13           EE. to the national tax administration agencies of  
14 Mexico and Canada, provided the agency receiving the  
15 information has entered into a written agreement with the  
16 department to use the information for tax purposes only and  
17 is subject to a confidentiality statute similar to this  
18 section;

19           FF. to a district attorney, a state district court  
20 grand jury or federal grand jury for an investigation of or  
21 proceeding related to an alleged criminal violation of the  
22 tax laws;

23           GG. to a third party subject to a subpoena or levy  
24 issued pursuant to the provisions of the Tax Administration  
25 Act, the identity of the taxpayer involved, the taxes or tax

1 acts involved and the nature of the proceeding;

2 HH. to the gaming control board, tax returns of  
3 license applicants and their affiliates as defined in  
4 Subsection E of Section 60-2E-14 NMSA 1978; and

5 II. any written ruling on questions of evidence or  
6 procedure made by a hearing officer pursuant to Section 7-1-  
7 24 NMSA 1978; provided that the name and identification  
8 number of the taxpayer requesting the ruling shall not be  
9 provided."

10 Section 2. A new section of Chapter 38, Article 5 NMSA  
11 1978 is enacted to read:

12 "LEGISLATIVE DECLARATION.--It is the policy of this  
13 state that all qualified citizens have an obligation to serve  
14 on juries and to give truthful information concerning  
15 attitudes, opinions and feelings about topics relevant to the  
16 proceeding for which they are called to serve when summoned  
17 by the courts of this state."

18 Section 3. A new section of Chapter 38, Article 5 NMSA  
19 1978 is enacted to read:

20 "POSTPONEMENT OF PETIT JURY SERVICE.--

21 A. A person scheduled to appear for service on a  
22 petit jury may request a postponement of the date of initial  
23 appearance for jury service. The request for postponement  
24 shall be granted if the juror:

25 (1) has not previously been granted a

1 postponement; and

2 (2) agrees to a future date, approved by the  
3 court, when the juror will appear for jury service that is  
4 not more than six months after the date on which the  
5 prospective juror originally was called to serve.

6 B. A subsequent request to postpone jury service  
7 may be approved by the court only in the event of an  
8 emergency that could not have been anticipated at the time  
9 the initial postponement was granted. Prior to the grant of  
10 a subsequent postponement, the prospective juror must agree  
11 to a future date on which the juror will appear for jury  
12 service within six months of the postponement.

13 C. A court shall postpone and reschedule the  
14 service of a summoned juror, without affecting the summoned  
15 juror's right to request a postponement under Subsections A  
16 and B of this section, if the summoned juror is:

17 (1) employed by an employer with five or  
18 fewer full-time employees, or their equivalent, and another  
19 employee of the same employer is summoned to appear during  
20 the same period;

21 (2) the only person performing particular  
22 services for a business, commercial or agricultural  
23 enterprise and whose services are so essential to the  
24 operations of the business, commercial or agricultural  
25 enterprise that the enterprise must close or cease to

1 function if the person is required to perform jury duty; or  
2 (3) required to attend to an emergency as  
3 determined by the judge."

4 Section 4. Section 38-5-1 NMSA 1978 (being Laws 1969,  
5 Chapter 222, Section 1, as amended) is amended to read:

6 "38-5-1. QUALIFICATION OF JURORS.-- A person who is at  
7 least eighteen years of age, a United States citizen and a  
8 resident of New Mexico residing in the county for which a  
9 jury may be convened is eligible and may be summoned for  
10 service as a juror by the courts, unless the person is  
11 incapable of rendering jury service because of:

12 A. physical or mental illness or infirmity; or

13 B. undue or extreme physical or financial  
14 hardship."

15 Section 5. Section 38-5-2 NMSA 1978 (being Laws 1973,  
16 Chapter 150, Section 1, as amended) is amended to read:

17 "38-5-2. EXEMPTION FROM JURY SERVICE--EXCUSALS--SERVICE  
18 OF DISQUALIFIED JUROR.--

19 A. A person who has served as a member of a petit  
20 jury panel or a grand jury in either state or federal courts  
21 within the preceding thirty-six months shall be exempt from  
22 sitting or serving as a juror in a court of this state when  
23 the person requests to be exempted from service by reason of  
24 the exemption granted by this subsection.

25 B. A person may be excused from jury service at

1 the discretion of the judge or the judge's designee, with or  
2 without the person's personal attendance upon the court, if:

3 (1) jury service would cause undue or  
4 extreme physical or financial hardship to the prospective  
5 juror or to a person under the prospective juror's care or  
6 supervision;

7 (2) the person has an emergency that renders  
8 the person unable to perform jury service; or

9 (3) the person presents other satisfactory  
10 evidence to the judge or the judge's designee.

11 C. A person requesting an exemption or an excuse  
12 from jury service shall take all necessary action to obtain a  
13 ruling on the request no later than the date on which the  
14 person is scheduled to appear for jury duty.

15 D. The judge, in the judge's discretion, upon  
16 granting any excuse, may disallow the fees and mileage of the  
17 person excused.

18 E. The service upon a jury of a person  
19 disqualified shall, of itself, not vitiate any indictment  
20 found or any verdict rendered by that jury, unless actual  
21 injury to the person complaining of the injury is shown.

22 F. As used in this section and Section 38-5-1 NMSA  
23 1978, "undue or extreme physical or financial hardship":

24 (1) means circumstances in which a person  
25 would:

1 (a) be required to abandon another  
2 person under the person's care or supervision due to the  
3 extreme difficulty of obtaining an appropriate substitute  
4 caregiver during the period of jury service;

5 (b) incur costs that would have a  
6 substantial adverse impact on the payment of necessary daily  
7 living expenses of the person or the person's dependent; or

8 (c) suffer physical hardship that would  
9 result in illness or disease; and

10 (2) does not exist solely because a  
11 prospective juror will be absent from employment."

12 Section 6. Section 38-5-3 NMSA 1978 (being Laws 1991,  
13 Chapter 71, Section 2) is amended to read:

14 "38-5-3. SOURCE FOR JUROR SELECTION.--

15 A. Each county clerk shall make available to the  
16 secretary of state a database of registered voters of the  
17 clerk's county. The secretary of state shall preserve and  
18 make available to the information systems division of the  
19 general services department, by electronic media, a database  
20 of New Mexico registered voters, by county, which shall be  
21 updated monthly. The director of the motor vehicle division  
22 of the taxation and revenue department shall make available  
23 by electronic media to the information systems division of  
24 the general services department a database of driver's  
25 license holders in each county, which shall be updated

1 monthly. The secretary of taxation and revenue shall make  
2 available to the information systems division of the general  
3 services department, by electronic media, a database of New  
4 Mexico personal income tax filers by county, which shall be  
5 updated quarterly.

6 B. The information systems division of the general  
7 services department shall program the merger of the  
8 registered voter, driver's license and personal income tax  
9 filer databases from each county to form a master jury  
10 database and write a computer program so that a random  
11 selection of jurors can be made. A discrimination shall not  
12 be exercised except for the elimination of persons who are  
13 not eligible for jury service. The administrative office of  
14 the courts shall provide specifications for the merging of  
15 the registered voter, driver's license and personal income  
16 tax filer databases. The merged database information shall  
17 be the database that produces the random jury list for the  
18 selection of petit or grand jurors for the state courts.

19 C. The court shall, by order, designate the number  
20 of potential jurors to be selected and the date on which the  
21 jurors are to report for empaneling. Within fifteen days  
22 after receipt of a copy of the order, the administrative  
23 office of the courts shall provide the random jury list to  
24 the court. The information systems division of the general  
25 services department shall print the random jury list and jury

1 summons mailer forms within ten days after receiving the  
2 request from the administrative office of the courts. Upon  
3 issuance of the order, the information systems division of  
4 the general services department shall draw from the most  
5 current registered voter, driver's license and personal  
6 income tax filer databases to create the random jury list.

7 D. The information systems division of the general  
8 services department may transfer the master jury database to  
9 a court that has compatible equipment to accept such a  
10 transfer. The court accepting the master jury database shall  
11 transfer the information to a programmed computer used for  
12 the random selection of petit or grand jurors."

13 Section 7. Section 38-5-11 NMSA 1978 (being Laws 1969,  
14 Chapter 222, Section 11, as amended) is amended to read:

15 "38-5-11. QUALIFYING JURY PANELS.--

16 A. The court shall empanel jurors in a random  
17 manner. The judge or the judge's designee shall preside over  
18 the empaneling of a petit jury panel. The district judge or  
19 the judge's designee shall preside over the empaneling of the  
20 grand jury panel. Jurors who appear for service shall be  
21 questioned under oath as to their eligibility for jury  
22 service by the judge or the judge's designee. Claims of  
23 exemption, requests for excuse from service or postponement  
24 of service shall be ruled upon by the judge or the judge's  
25 designee.

1           B. The judge or the judge's designee shall submit  
2 questionnaires to prospective jurors to:

3                   (1) obtain any information that will aid the  
4 court in ruling on requests for exemption or excuse from  
5 service or postponement of service;

6                   (2) aid the court and the parties in voir  
7 dire examination of jurors or in determining a juror's  
8 qualifications to serve on a particular petit jury  
9 panel, trial jury or grand jury; or

10                   (3) aid in the determination of challenges  
11 for cause and peremptory challenges.

12           C. The judge or the judge's designee shall certify  
13 a numbered list of the jury panel members' names when  
14 qualified. The certified list of jurors and the  
15 questionnaires obtained from jurors shall be made available  
16 for inspection and copying by a party to a pending proceeding  
17 or their attorney or to any person having good cause for  
18 access to the list and the questionnaires."

19           Section 8. Section 38-5-12 NMSA 1978 (being Laws 1969,  
20 Chapter 222, Section 12, as amended) is amended to read:

21                   "38-5-12. PETIT JURY PANELS--NUMBER TO BE QUALIFIED--  
22 PERIOD OF SERVICE--TIME FOR SUMMONING.--

23           A. The judge shall determine the number of jurors  
24 to be summoned for service, the date and time for the  
25 appearance of jurors for qualification, the number of jurors

1 to be qualified to provide panels of jurors for trial service  
2 and the size of trial jury panels. Procedures such as the  
3 use of alternate jury panels should be established where  
4 appropriate to lessen the burden of jury service on persons  
5 retained on petit jury panels. Jurors may be drawn, summoned  
6 and qualified by the judge at any time to supplement jury  
7 panels requiring replacement or augmentation. Petit jury  
8 panels may be qualified and may serve as the trial needs of  
9 the court require without regard to court terms.

10 B. The supreme court shall establish, by rule, the  
11 appropriate length of jury terms. The court shall consider  
12 the number of trials held, the availability of jurors and the  
13 administrative and financial impact."

14 Section 9. Section 38-5-13 NMSA 1978 (being Laws 1969,  
15 Chapter 222, Section 13, as amended) is amended to read:

16 "38-5-13. DRAWING AND QUALIFYING TRIAL JURY.-- The  
17 district court of each county shall maintain a list of the  
18 names of the jurors duly empaneled and present for the trial  
19 of a case. The judge shall cause the names to be randomly  
20 selected until sufficient names have been drawn to provide  
21 the number of jurors required for the trial. The name and  
22 number of each juror shall be announced. Twelve or six  
23 jurors shall compose a petit jury in the district courts for  
24 the trial of civil causes. Twelve jurors shall compose a  
25 petit jury in criminal and children's court cases.

1 Magistrate and metropolitan jury court selection shall be  
2 conducted in accordance with supreme court rules."

3 Section 10. Section 38-5-18 NMSA 1978 (being Laws 1979,  
4 Chapter 47, Section 1) is amended to read:

5 "38-5-18. EMPLOYER PROHIBITED FROM PENALIZING EMPLOYEE  
6 FOR JURY SERVICE.--

7 A. An employer shall not deprive an employee of  
8 employment or threaten or otherwise coerce the employee  
9 because the employee receives a summons for jury service,  
10 responds to the summons, serves as a juror or attends court  
11 for prospective jury service.

12 B. An employer shall not require or request an  
13 employee to use annual, vacation or sick leave for time spent  
14 responding to a summons for jury service, participating in  
15 the jury selection process or serving on a jury. Nothing in  
16 this subsection requires an employer to provide annual,  
17 vacation or sick leave to employees who are not otherwise  
18 entitled to those benefits under company policies."

19 Section 11. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2005. \_\_\_\_\_

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