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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/06/2006

SPONSOR Park LAST UPDATED 2/1/2006 HB 531/aHF1#1

SHORT TITLE Prohibit Felons from Serving on Juries SB \_\_\_\_\_

ANALYST McSherry

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY06	FY07	FY08	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		0-Minimal	0-Minimal	0-minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General Office (AGO)

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of House Floor Amendment #1

House Floor Amendment #1 to House Bill 531, "Prohibit Felons from Serving on Juries," changes the bill to allow convicted felons to serve on juries only if they have completed all conditions of their sentence including probation and parole.

#### Synopsis of Original Bill

House Bill 531, "Prohibit Felons from Serving on Juries," would restrict convicted felons from serving on juries.

### FISCAL IMPLICATIONS

No fiscal implications which would result from this bill are known.

## **SIGNIFICANT ISSUES**

This original bill would have returned the law to its original state prior to July 1, 2005. The restriction of felons participating on juries was eliminated along with other changes to jury criteria passed during the 2005 legislative session. The amended version of the bill would allow felons to participate on juries, but only after concluding their sentences and probation and parole

According to the Office of the Attorney General, the practice of disqualifying felons from the judicial process can be traced to ancient Greece as a measure to protect the system from corruption. OAG further asserts that restricting felons from juries would assist in ensuring that juries consist of law-abiding citizens of approved integrity, good character, and sound judgment who are most likely to perform their jury service with the proper respect for the law.

AOC contends that it is a “legislative prerogative” whether felons should be eligible to serve as jurors. The agency reports that the Second Judicial District (Bernalillo County) estimates that about 20 felons serve each month. Felons have served on civil and criminal trials and have served as grand jurors.

AOC further reports that:

During voir dire (jury selection) the judge or attorneys ask if anyone is a convicted felon. If a felon is on the jury panel, the felon may serve either on the jury, or there may be a request to excuse the juror from the panel. Jurors may be excluded for cause if the judge agrees the juror cannot serve impartially. Jurors may also be excused through a peremptory challenge. Each party has a fixed number of peremptory challenges that allow removing a potential juror without stating a reason.

## **PERFORMANCE IMPLICATIONS**

According to AOC, the performance measures, “cases disposed as a percent of cases filed,” and “clearance rate” would likely be impacted by the proposed bill.

If jury performance would improve as a result of the bill’s enactment, the outcomes for the AOC-cited measures should improve.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Convicted felons will continue to legally serve on juries regardless of probation or parole completion.

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