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AN ACT

RELATING TO TRIALS; PROVIDING AN EXEMPTION FROM JURY SERVICE,
ON REQUEST AND AFFIDAVIT, FOR A PERSON WHO IS SEVENTY-FIVE
YEARS OF AGE OR OLDER.

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 FROM JURY SERVICE--EXCUSALS--SERVICE
OF DISQUALIFIED JUROR.--

A. A person who has served as a member 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 a juror in a court of this state when
the person requests to be exempted from service by reason of
the exemption granted by this subsection.

B. A person who is seventy-five years of age or
older who files an affidavit requesting an exemption from
jury service with a local court shall be permanently exempt
from jury service.

C. A person may be excused from jury service at
the discretion of the judge or the judge's designee, with or
without the person's personal attendance upon the court, if:

(1) jury service would cause undue or
extreme physical or financial hardship to the prospective

1 juror or to a person under the prospective juror's care or
2 supervision;

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

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

7 D. A person requesting an exemption or an excuse
8 from jury service shall take all necessary action to obtain a
9 ruling on the request no later than the date on which the
10 person is scheduled to appear for jury duty.

11 E. The judge, in the judge's discretion, upon
12 granting any excuse, may disallow the fees and mileage of the
13 person excused.

14 F. The service upon a jury of a person
15 disqualified shall, of itself, not vitiate any indictment
16 found or any verdict rendered by that jury, unless actual
17 injury to the person complaining of the injury is shown.

18 G. As used in this section and Section 38-5-1 NMSA
19 1978, "undue or extreme physical or financial hardship":

20 (1) means circumstances in which a person
21 would:

22 (a) be required to abandon another
23 person under the person's care or supervision due to the
24 extreme difficulty of obtaining an appropriate substitute
25 caregiver during the period of jury service;

