

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 01/31/11  
 SPONSOR Dodge LAST UPDATED 02/03/11 HB 181/aHJC  
 SHORT TITLE Remove Certain Service Members from Jury List SB \_\_\_\_\_  
 ANALYST Aledo

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Veterans Services Department (VSD)  
 Secretary of State (SOS)  
 Administrative Office of the Courts (AOC)  
 Department of Military Affairs (DMA)  
 Department of Information Technology (CIO)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment changes the notification requirement to every six months and makes the Administrative Office of the Courts the point agency for removing the names of service members killed or missing in action from the master juror database.

#### Synopsis of Bill

House Bill 181 requires the Secretary of Veterans' Services and the Adjutant General of the Department of Military Affairs to notify on a monthly basis the Department of Information

Technology of armed forces members killed or missing in action. The Department of Technology would then be required to remove the names of these service members from the master juror database that produces the random jury list for state courts.

### **SIGNIFICANT ISSUES**

According to the Administrative Office of the Courts, the procedure for updating the master juror database as set forth in 38-5-3 currently calls for the updating of juror data every six months. In June and December the voter registration database by county, the personal income tax filer database by county, and driver's license data by county are provided to the Department of Information Technology for merging and creation of the updated master juror database. The merged database is then provided to the Administrative Office of the Courts' Judicial Information Division, which merges the Department of Information Technology file with death record data provided to Administrative Office of the Courts by Vital Records, NM Department of Health. When the death records have been merged with the database provided by Department of Information Technology, the Administrative Office of the Courts downloads the master juror database, by county, to the jury management system in each state court.

House Bill 181 calls for the integration of military records regarding service members killed or missing in action on a monthly basis with the information provided to Department of Information Technology. Since the information is to be integrated every month and the number of individuals affected will be relatively small, it would be more effective to have the data sent from the Secretary of Veterans' Affairs and Department of Military Affairs directly to Judicial Information Division. The information can then be provided directly to the courts and the names of the deceased or missing service members manually removed from the master juror database. According to the Veterans' Services Department, New Mexico has lost 74 service members in the current conflicts in Iraq and Afghanistan. Some of these service members have been called to jury duty. Courts have requested death certificates as proof and families have been unable to produce them due to delayed casualty reports from the Department of Defense.

### **PERFORMANCE IMPLICATIONS**

House Bill 181 would require the Veterans' Services Department and the Department of Military Affairs to track and report the deaths and service members missing in action to the Department of Information Technology.

Additionally, by removing service members missing in action or killed on a monthly basis from the master juror database there will be a reduction in undeliverable summonses.

### **ADMINISTRATIVE IMPLICATIONS**

According to the Administrative Office of the Courts, there will be a slight impact to the Judicial Information Division and jury staff time to integrate the data into the master juror database on a monthly basis.

The Department of Military Affairs only has access to members of the New Mexico National Guard that are killed or who are declared missing in action.

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

The names of service members killed or missing in action would continue to be in the master

juror database until the next scheduled six month update. Only those service members for which death record data is current with the Vital Records, NM Department of Health will be removed from the database. Service members missing in action will continue to be in the master juror database.

## **AMENDMENTS**

Administrative Office of the Courts proposes the following amendment to Section C. of the bill (changes underlined):

C. The Secretary of Veterans' Services and the Adjutant General of the Department of Military Affairs shall make available, by electronic media, to the Administrative Office of the Courts a database of service members who were killed or missing in action during military service, which shall be updated every month. The Administrative Office of the Courts shall remove the names of service members who were killed or missing in action during military services from the master jury database that produces the random jury list for state courts.

The Department of Information Technology supports amending House Bill 181 to require the list of service members killed or missing in action be sent to the Administrative Office of the Courts.

An amendment might be appropriate to allow forwarding of the monthly lists to the Secretary of State's office for cancellation of registration of deceased service members pursuant to NMSA 1978 1-4-25.

MCA/svb