

COLORADO JURY DUTY



prepared by
**PETERSON AFB
LEGAL OFFICE**

(719) 556-4871



So, you received a “jury duty” notice. As a citizen of the United States it is your civic duty and responsibility to perform such duty. This law applies to all military members, even those who hold an out-of-state driver’s license, pay income taxes to another state, or are not registered to vote.

Jury duty service cannot be charged against leave, and members may receive and keep reimbursements for transportation costs and other fees. However, all fees paid to members for jury service must be made payable to the U.S. Treasury and turned in to the finance office.

While you are on active duty, if you receive a summons to state or local jury duty you should immediately inform your commander. Colorado uses a “one-day or one trial” jury duty system, meaning that, in a 12-month period, persons summoned for jury service must serve only one day or, if selected for a trial, for the length of that trial. If you are not selected for the jury, you are dismissed and have fulfilled your responsibility for the year. If you are selected, you are required to serve on that one trial only during a 12-month period.

General officers, commanders, operating forces personnel in training, and personnel serving outside the United States are the only military personnel who are categorically exempted from Jury Service.

Delays and Exemptions from Jury Service in El Paso County

If you don’t fall into one of the categories listed above, there are two ways you may delay or gain an exemption of your El Paso County Court jury duty. The first, and possibly easiest, is by obtaining a postponement. Colorado law allows each juror one postponement per jury summons. If you have work conflicts, doctor’s appointments, school conflicts, etc., the state will grant you a postponement to another day. Colorado law allows you to pick the day that you do your juror service. You can pick any day, Monday through Thursday, no more than six months after your current summons date.

Military personnel who receive a jury summons from El Paso County may also file a request for exemption for an entire year. You can do this by calling the El Paso County Jury Commissioner and by faxing the original jury summons and a letter from an O-6 or your commander. The letter should state that your jury service would unreasonably interfere with your military duties or adversely affect the readiness of your unit. You should follow up your fax with a phone call to the jury commissioner to confirm receipt and approval.

While Colorado’s laws on exemption from jury service are limited, people who have recently served as panel members on a military court-martial may be exempted from civilian jury service. If this is the case and you wish to be excused, contact the legal office for assistance. If you wish to serve as a panel member on a court-martial, contact your commander or the Peterson legal office at 556-4871.

Exemptions From Jury Service under the AFI

Different jurisdictions have different rules for jury service, so if you receive a summons from federal court, another county, or another state, you should contact the Peterson legal office or the jurisdiction’s jury commissioner immediately.

Regardless of what court you receive a summons from, Air Force Regulations allow for an exemption under AFI 51-301, paragraphs 9.25 and 9.27. Under this regulation, you may be exempt from serving if your immediate commander determines your jury service would unreasonably interfere with your military duties or adversely affect the readiness of your unit. A request for approval must be submitted to the special court-martial convening authority.

If the special court-martial convening authority agrees, the immediate commander then notifies the Jury Commissioner in writing. Pursuant to AFI 51-301, paragraph 9.27.4, your written notice should state “(Grade, name) a member of the United States Air Force on active duty, has been summoned to perform jury duty (when, where and on what jury). Under 10 USC 982, DoDD 5525.8, and AFI 51-301, this member has been determined by the Secretary of the Air Force or an authorized designee as exempt from duty on the jury in question because such jury service would unreasonably interfere with the performance of the member’s military duties or would adversely affect the readiness of the unit, command, or activity to which the member is assigned. Under 10 USC 982, this determination is conclusive.”

In most cases, the Jury Commissioner will reschedule your jury duty, but you will not be relieved from duty. Failure to show for jury duty unless you have been rescheduled will result in a failure to appear notice.

Ignoring your obligation for jury duty can only create problems with your squadron, your schedule, and with the civilian authorities.

Sources:

10 U.S.C. 982

DoDD 5525.8, *Service by Members of the Armed Forces on State and Local Juries*, 13 June 1988

AFI 51-301

<http://www.courts.state.co.us/Jury/Index.cfm>

The information provided in this document is meant for the sole use of Active Duty service members, retirees, and their families. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibilities vary widely according to the facts and circumstances in each case. Laws can vary across states, services, and civilian jurisdictions. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.