SECNAV INSTRUCTION 5822.2A

Subj: SERVICE ON STATE AND LOCAL JURIES BY MEMBERS OF THE NAVAL SERVICE

Ref: (a) 10 U.S.C. §982
     (b) DoD Instruction 5525.08 of 3 January 2007

Encl: (1) Definitions

1. Purpose. To implement references (a) and (b) to establish a uniform policy for state and local jury service by members of the Naval Service on active duty, to exempt categories of personnel from all state and local jury duty, to provide procedures, and to delegate authority for determining whether members are exempt from service under a particular call.

2. Cancellation. SECNAVINST 5822.2.

3. Definitions. See enclosure (1).

4. Applicability. This instruction applies to active duty members of the Armed Forces.

5. Policy. Members of the Naval Service will be permitted to fulfill, to the maximum extent practicable, their civic responsibilities consistent with their military duties. Serving on a state or local jury is one such civic obligation. Service Members are exempt from jury duty, however, when jury duty would unreasonably interfere with performance of their military duties or adversely affect the readiness of the unit, command, or activity to which they are assigned.

6. Exempt Personnel

   a. All general officers, flag officers, commanding officers, all personnel assigned to the operating forces, in a training status, or stationed outside the United States are exempt from
serving on a state or local jury. Such jury service would unreasonably interfere with the performance of military duties by these members and adversely affect the readiness of the unit, command, or activity to which they are assigned.

b. Other Service Members, when it is determined by the appropriate exemption official (as described in paragraph 7 herein) that service on a state or local jury would:

(1) Unreasonably interfere with the performance of the Service Member’s military duties; or

(2) Adversely affect the readiness of the unit, command, or activity to which the member is assigned.

7. Procedures

a. Any officer exercising special court-martial jurisdiction is authorized to make an exemption determination. The decision of the official making such a determination is conclusive.

b. Commanders of Service Members summoned for jury duty will, if authorized to do so pursuant to paragraph 7.a. herein, make an exemption determination as soon as possible. If the commander of the member is not authorized to make an exemption determination, a request for an exemption determination, with recommendation and supporting justification, will be submitted to the next superior in the chain of command who is authorized to make such a determination.

c. The member’s command will provide timely written notice of each exemption determination to the responsible state or local official. Telephone notice, with follow-on written confirmation, is permitted if required for timely notification.

d. Service Members who serve on state or local juries will not be charged leave or lose any pay or entitlements during their period of jury duty. Per reference (b), all fees (i.e., juror pay or compensation) accrued to members for jury duty are payable to the U.S. Treasury and may not be retained by the member. Service Members are entitled to, and may retain, any reimbursement from the state or local jury authority for actual expenses incurred in the performance of jury duty.
8. Responsibilities. The Navy and Marine Corps determine whether Service Members shall be exempt from jury duty. This authority may be delegated no lower than to commanders authorized to convene special courts-martial.

9. Records Management

   a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page: https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx.

   b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

THOMAS B. MODLY
Under Secretary of the Navy

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DEFINITIONS

1. **Active Duty.** Full-time active duty in the active Naval Service including full-time training duty, annual training duty, active duty for training, and attendance, while on full-time duty in the active Naval Service, at a school designated as a service school.

2. **Commander.** A commissioned or warrant officer who by virtue of grade and assignment exercises primary command authority over a military organization or prescribed territorial area which under pertinent official directives is recognized as a “command.”

3. **Local.** Political subdivision other than state or Federal.

4. **Operating Forces.** Those forces whose primary missions are to participate in combat and the integral supporting elements thereof.

5. **State.** The 50 United States, United State Territories, District of Columbia, and the Commonwealth of Puerto Rico.