



DoD INSTRUCTION 5525.08

SERVICE MEMBER PARTICIPATION ON STATE AND LOCAL JURIES

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

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Approved by: Matthew P. Donovan, Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive 5124.02 and pursuant to Section 982 of Title 10, United States Code (U.S.C.), this issuance establishes policy, assigns responsibilities, and provides procedures for duty on State and local juries by active duty Service members.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

1.2. POLICY.

In accordance with Section 982 of Title 10, U.S.C.:

a. Service members stationed in the United States are permitted to fulfill their civic responsibility to serve on a State or local jury consistent with their military duties.

b. Service members may not be required to serve on a State or local jury when the Secretary of the Military Department concerned, or in the case of the United States Coast Guard (USCG), the Commandant, determines it would unreasonably interfere with performance of the Service member's military duties or adversely affect the readiness of the unit, command, or activity to which the member is assigned.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

The Under Secretary of Defense for Personnel and Readiness has overall responsibility and oversight of implementation of the requirements of Section 982 of Title 10, U.S.C., and any subsequent legislative requirements.

2.2. SECRETARIES OF THE MILITARY DEPARTMENTS AND COMMANDANT OF THE USCG.

The Secretaries of the Military Departments and Commandant of the USCG:

a. In accordance with applicable regulations prescribed by the Secretary of the Military Department concerned or, in the case of the USCG, the Commandant, determine whether Service members are exempt from jury duty. This authority may be delegated, in writing, no lower than to commanders authorized to convene special courts-martial in accordance with Chapter 47 of Title 10, U.S.C, also known as the Uniform Code of Military Justice.

b. Establish Departmental procedures that will meet the requirements in Section 3 of this issuance.

SECTION 3: PROCEDURAL GUIDELINES

Military Department and USCG procedures will support the following:

a. When a Service member on active duty is summoned to perform State or local jury duty, the Secretary of the Military Department concerned or Commandant, USCG, will determine if such jury duty 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 Service member is assigned.

b. The Secretary or Commandant's decision will be conclusive.

c. The following active duty Service members are considered exempt from serving on a State or local jury, as the conditions of Paragraph a.(2) of this section always apply.

(1) General and flag officers.

(2) Commanding officers.

(3) Military personnel:

(a) Assigned to the operating forces;

(b) In a training status; or

(c) Stationed outside the United States.

d. The Secretary of the Military Department concerned or the Commandant, USCG, will provide written notice of each exemption determination to the responsible State or local official who summoned an exempt Service member for jury duty.

e. Service members who serve on State or local juries will not be charged leave or lose any pay or entitlements during the period of service. All fees accrued to active duty Service members for jury duty are payable to the U.S. Treasury. Service members are entitled to any reimbursement from the State or local jury authority for expenses incurred while performing jury duty, such as transportation costs or parking fees.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
U.S.C.	United States Code
USCG	United States Coast Guard

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

Term	DEFINITION
active duty	Full-time duty in the active Armed Forces of the United States. Includes full-time training duty, annual training duty, active duty for training, and attendance, while in the active Armed Forces, at a school designated as a Service school by law or by the Secretary of the Military Department concerned, or in the case of the USCG, by the Commandant.
State	Includes the 50 United States, U.S. territories, District of Columbia, and Commonwealth of Puerto Rico.
operating forces	Those forces whose primary missions are to participate in combat and the integral supporting elements thereof.

REFERENCES

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
United States Code, Title 10