

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, DC 20350-1000

SECNAVINST 5822.2
OP-01L
27 February 1989

SECNAV INSTRUCTION 5822.2

From: Secretary of the Navy
To: All Ships and Stations

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

Ref: (a) Title 10, United States Code,
Section 982
(b) DODDIR 5525.8 of 13 Jun 88,
Service by Members of the Armed
Forces on State and Local Juries

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; and, to provide procedures and to delegate authority for determining whether members are exempt from service under a particular call.

2. Definitions

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

b. 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."

c. Local. Political subdivision other than state or Federal.

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

e. State. The United States, District of Columbia, U.S. Territories, Possessions, and Commonwealths.

3. 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. Servicemembers are exempt from jury duty, however, when it would unreasonably interfere with performance of their military duties or adversely affect the readiness of the command to which assigned.

4. Exempt Personnel

a. All general officers, flag officers, and commanders; and 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 command to which they are assigned.

b. Other servicemembers when it is determined by the appropriate exemption official that service on a state or local jury would:

(1) Unreasonably interfere with the performance of the servicemember's military duties, or

(2) Adversely affect the readiness of the command to which the member is assigned.

5. 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 servicemembers summoned for jury duty shall, if authorized to

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do so, 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 therefor, shall be submitted to the next superior in the chain of command who is authorized to make such a determination or to the area coordinator.

c. The member's command shall 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. Servicemembers who serve on state or local juries shall not be charged leave or lose any pay or entitlements during their period of jury duty. All fees accrued to members for jury duty are payable to the U.S. Treasury and

may not be retained by the member. 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.

H. LAWRENCE GARRETT, III
Under Secretary of the Navy

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