



Department of Defense INSTRUCTION

NUMBER 5525.08

January 3, 2007

USD(P&R)

SUBJECT: Service by Members of the Armed Forces on State and Local Juries

- References:**
- (a) DoD Directive 5525.8, subject as above, June 13, 1988 (hereby canceled)
 - (b) Acting Deputy Secretary of Defense memorandum, "DoD Directives Review – Phase II," July 13, 2005
 - (c) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
 - (d) Section 982 of title 10, United States Code

1. REISSUANCE AND PURPOSE

This Instruction:

1.1 Reissues Reference (a) as a DoD Instruction according to the guidance in Reference (b) and the authority in Reference (c).

1.2 Implements Reference (d) to establish uniform DoD policies for jury service by members of the Armed Forces on active duty.

2. APPLICABILITY

This Instruction applies to active duty members of the Armed Forces.

3. DEFINITIONS

For the purpose of this Instruction, the following definitions apply:

3.1. Armed Forces. The Army, the Navy, the Air Force, and the Marine Corps.

3.2. State. Includes the 50 United States, U.S. Territories, District of Columbia, and the Commonwealth of Puerto Rico.

3.3. Active Duty. Full-time duty in the active Military Service of the United States includes full-time training duty, annual training duty, active duty for training, and attendance, while in the active Military Service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned.

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

4. POLICY

It is DoD policy to permit members of the Armed Forces to fulfill their civic responsibilities consistent with their military duties. For Service members stationed in the United States, serving on a State or local jury is one such civic obligation. Service members are exempt from jury duty when it would interfere unreasonably with performance of their military duties or adversely affect the readiness of a unit, command, or activity.

5. RESPONSIBILITIES

The Secretaries of the Military Departments, or designees, in accordance with regulations prescribed by the Secretary concerned, shall 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.

6. PROCEDURES

The Secretaries of the Military Departments shall publish procedures that provide the following:

6.1. When a Service member on active duty is summoned to perform State or local jury duty, the Secretary concerned, or the official to whom such authority has been delegated, shall decide if such jury duty would:

6.1.1. Interfere unreasonably with the performance of the Service member's military duties, or

6.1.2. Affect adversely the readiness of the unit, command, or activity to which the member is assigned.

6.2. If such jury service would interfere unreasonably with the Service member's military duties or adversely affect readiness, the Service member shall be exempted from jury duty. The decision of the Secretary concerned, or the official to whom such authority has been delegated, shall be conclusive.

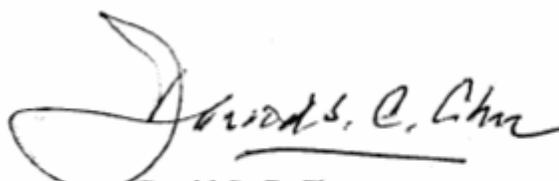
6.3. All general and flag officers, commanding officers, and all military personnel assigned to the operating forces, in a training status, or stationed outside the United States are exempt from serving on a State or local jury. Such jury service necessarily would interfere unreasonably with the performance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

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

6.5. Written notice of each exemption determination shall be provided to the responsible State or local official who summoned an exempt member for jury duty.

7. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness