

SENATE BILL REPORT

SJR 8218

AS OF JANUARY 14, 1994

Brief Description: Changing constitutional provisions relating to jury trials.

SPONSORS: Senators A. Smith and Quigley

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Mahoney (786-7717)

Hearing Dates: January 19, 1994

BACKGROUND:

Currently the Washington State Constitution provides that a criminal defendant has an absolute right to a trial by an impartial jury regardless of the level of crime charged. The United States Supreme Court has held that a defendant charged with a minor offense is not necessarily entitled to a jury trial.

Other states have provisions that do not guarantee the right to a jury trial for minor crimes. The U.S. Supreme Court has upheld these provisions as constitutional when the maximum time of incarceration does not exceed 180 days. The U.S. Supreme Court has also cautioned that the amount of possible jail time should not be the only criteria. A defendant's request for a jury trial should still be considered when it can be shown that the additional punishments that may be imposed, in addition to incarceration, could carry serious ramifications.

Under current Washington State law, crimes are broken down into three basic categories: misdemeanors, gross misdemeanors, and felonies. Unless otherwise specified, misdemeanors carry a maximum penalty of up to 90 days in jail, gross misdemeanors carry a maximum penalty of up to one year in jail, and felonies are those crimes which are punished by more than one year in jail.

SUMMARY:

The state Constitution is amended to limit the right to a jury trial to those defendants charged with a serious offense. A serious offense is defined as one in which more than 180 days in jail may be imposed. Jury trials may still be allowed for defendants charged with a nonserious offense when certain circumstances can be shown.

Appropriation: none

Revenue: none

Fiscal Note: requested January 14, 1994