
ENGROSSED SUBSTITUTE HOUSE BILL 1084

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Wineberry, Padden, Appelwick, Vance, Wang, Pruitt, Campbell, Johanson, Orr and Anderson)

Read first time 02/01/93.

1 AN ACT Relating to jury source lists; amending RCW 2.36.010,
2 2.36.055, 2.36.063, 2.36.065, 2.36.095, 29.04.160, and 29.07.220;
3 adding new sections to chapter 2.36 RCW; adding a new section to
4 chapter 46.20 RCW; creating a new section; providing effective dates;
5 and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.36 RCW
8 to read as follows:

9 The supreme court is requested to adopt court rules to be effective
10 by September 1, 1994, regarding methodology and standards for merging
11 the list of registered voters in Washington state with the list of
12 licensed drivers and identicard holders in Washington state for
13 purposes of creating an expanded jury source list. In the interim, and
14 until such court rules become effective, the methodology and standards
15 provided in section 3 of this act shall apply. An expanded jury source
16 list shall be available to the courts for use by September 1, 1994.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.36 RCW
18 to read as follows:

1 Not later than January 1, 1994, the secretary of state, the
2 department of licensing, and the department of information services
3 shall adopt administrative rules as necessary to provide for the
4 implementation of the methodology and standards established by this act
5 or by supreme court rule.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 2.36 RCW
7 to read as follows:

8 Unless otherwise specified by rule of the supreme court, the jury
9 source list and master jury list for each county shall be created as
10 provided by this section.

11 (1) The superior court of each county, after consultation with the
12 county clerk and county auditor of that jurisdiction, shall annually
13 notify the department of information services not later than March 1 of
14 each year of its election to use either a jury source list that is
15 merged by the county or a jury source list that is merged by the
16 department of information services. The department of information
17 services shall annually furnish at no charge to the superior court of
18 each county a separate list of the registered voters residing in that
19 county as supplied annually by the secretary of state and a separate
20 list of driver's license and identicard holders residing in that county
21 as supplied annually by the department of licensing, or a merged list
22 of all such persons residing in that county, in accordance with the
23 annual notification required by this subsection. The lists provided by
24 the department of information services shall be in an electronic format
25 specified by the superior court requesting it. The annual merger of
26 the list of registered voters residing in each county with the list of
27 licensed drivers and identicard holders residing in each county to form
28 a jury source list for each county shall be in accordance with the
29 standards and methodology established in this act or by superseding
30 court rule whether the merger is accomplished by the department of
31 information services or by a county.

32 (2) Persons on the lists of registered voters and driver's license
33 and identicard holders shall be identified by a minimum of last name,
34 first name, middle initial where available, date of birth, gender, and
35 county of residence. Identifying information shall be used when
36 merging the lists to ensure to the extent reasonably possible that
37 persons are only listed once on the merged list. Conflicts in
38 addresses are to be resolved by using the most recent record by date of

1 last vote in a general election, date of driver's license or identicard
2 address change or date of voter registration.

3 (3) The department of information services shall provide counties
4 that elect to receive a jury source list merged by department of
5 information services with a list of names which are possible duplicates
6 that cannot be resolved based on the identifying information required
7 under subsection (2) of this section. If a possible duplication cannot
8 subsequently be resolved satisfactorily through reasonable efforts by
9 the county receiving the merged list, the possible duplicate name shall
10 be stricken from the jury source list until the next annual jury source
11 list is prepared.

12 **Sec. 4.** RCW 2.36.010 and 1992 c 93 s 1 are each amended to read as
13 follows:

14 Unless the context clearly requires otherwise the definitions in
15 this section apply throughout this chapter.

16 (1) A jury is a body of persons temporarily selected from the
17 qualified inhabitants of a particular district, and invested with
18 power«

19 (a) To present or indict a person for a public offense.

20 (b) To try a question of fact.

21 (2) "Court" when used without further qualification means any
22 superior court or court of limited jurisdiction in the state of
23 Washington.

24 (3) "Judge" means every judicial officer authorized to hold or
25 preside over a court. For purposes of this chapter "judge" does not
26 include court commissioners or referees.

27 (4) "Juror" means any person summoned for service on a petit jury,
28 grand jury, or jury of inquest as defined in this chapter.

29 (5) "Grand jury" means those twelve persons impaneled by a superior
30 court to hear, examine, and investigate evidence concerning criminal
31 activity and corruption.

32 (6) "Petit jury" means a body of persons twelve or less in number
33 in the superior court and six in number in courts of limited
34 jurisdiction, drawn by lot from the jurors in attendance upon the court
35 at a particular session, and sworn to try and determine a question of
36 fact.

1 (7) "Jury of inquest" means a body of persons six or fewer in
2 number, but not fewer than four persons, summoned before the coroner or
3 other ministerial officer, to inquire of particular facts.

4 (8) "Jury source list" means the list of all registered voters for
5 any county, ~~((as compiled by each county auditor pursuant to the
6 provisions of chapter 29.07 RCW))~~ merged with a list of licensed
7 drivers and identicard holders who reside in the county. The list
8 shall specify each ~~((voter's))~~ person's name~~((,))~~ and residence
9 address~~((, and precinct as shown on the original registration card of
10 each qualified voter))~~ and conform to the methodology and standards set
11 pursuant to the provisions of section 3 of this act or by supreme court
12 rule. The list shall be filed with the superior court by the county
13 auditor.

14 (9) "Master jury list" means the list of prospective jurors from
15 which jurors summoned to serve will be randomly selected. The master
16 jury list shall be either randomly selected from the jury source list
17 or may be an exact duplicate of the jury source list.

18 (10) "Jury term" means a period of time of one or more days, not
19 exceeding one month, during which summoned jurors must be available to
20 report for juror service.

21 (11) "Juror service" means the period of time a juror is required
22 to be present at the court facility. This period of time may not
23 extend beyond the end of the jury term, and may not exceed two weeks,
24 except to complete a trial to which the juror was assigned during the
25 two-week period.

26 (12) "Jury panel" means those persons randomly selected for jury
27 service for a particular jury term.

28 **Sec. 5.** RCW 2.36.055 and 1988 c 188 s 4 are each amended to read
29 as follows:

30 The ~~((county auditor shall prepare and file with the))~~ superior
31 court at least annually~~((, at a time or times set forth in an order of
32 the judges of the superior court from the original registration files
33 of voters of the county a list of all registered voters. The list may
34 be divided into the respective voting precincts))~~ shall cause a jury
35 source list to be compiled from a list of all registered voters and a
36 list of licensed drivers and identicard holders residing in the county.

37 The superior court upon receipt of the jury source list ~~((of
38 registered voters filed by the county auditor shall use that list as~~

1 ~~the jury source list and~~) shall compile a master jury list (~~from the~~
2 ~~source list~~). The master jury list shall be certified by the superior
3 court and filed with the county clerk. All previous jury source lists
4 and master jury lists shall be superseded. In the event that, for any
5 reason, a county's jury source list is not timely created and available
6 for use at least annually, the most recent previously compiled jury
7 source list for that county shall be used by the courts of that county
8 on an emergency basis only for the shortest period of time until a
9 current jury source list is created and available for use.

10 Upon receipt of amendments to the list of registered voters (~~from~~
11 ~~the county auditor~~) and licensed drivers and identicard holders
12 residing in the county the superior court may update the jury source
13 list and master jury list as maintained by the county clerk
14 accordingly.

15 **Sec. 6.** RCW 2.36.063 and 1988 c 188 s 5 are each amended to read
16 as follows:

17 The judge or judges of the superior court of any county may employ
18 a properly programmed electronic data processing system or device to
19 compile the jury source list, and to compile the master jury list and
20 to randomly select jurors from the master jury list.

21 **Sec. 7.** RCW 2.36.065 and 1988 c 188 s 6 are each amended to read
22 as follows:

23 It shall be the duty of the judges of the superior court to ensure
24 continued random selection of the master jury list and jury panels,
25 which shall be done without regard to whether a person's name
26 originally appeared on the list of registered voters, or on the list of
27 licensed drivers and identicard holders, or both. The judges shall
28 review the process from time to time and shall cause to be kept on file
29 with the county clerk a description of the jury selection process. Any
30 person who desires may inspect this description in said office.

31 Nothing in this chapter shall be construed as requiring uniform
32 equipment or method throughout the state, so long as fair and random
33 selection of the master jury list and jury panels is achieved.

34 **Sec. 8.** RCW 2.36.095 and 1992 c 93 s 4 are each amended to read as
35 follows:

1 (1) Persons selected to serve on a petit jury, grand jury, or jury
2 of inquest shall be summoned by mail or personal service. The county
3 clerk shall issue summons and thereby notify persons selected for jury
4 duty. The clerk may issue summons for any jury term, in any
5 consecutive twelve-month period, at any time thirty days or more before
6 the beginning of the jury term for which the summons are issued.
7 However, when applicable, the provisions of RCW 2.36.130 apply.

8 (2) In courts of limited jurisdiction summons shall be issued by
9 the court. Upon the agreement of the courts, the county clerk may
10 summon jurors for any and all courts in the county or judicial
11 district.

12 (3) The county clerk shall notify the county auditor of each
13 summons for jury duty that is returned by the postal service as
14 undeliverable.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 2.36 RCW
16 to read as follows:

17 Each court shall establish a means to preliminarily determine by a
18 written declaration signed under penalty of perjury by the person
19 summoned, the qualifications set forth in RCW 2.36.070 of each person
20 summoned for jury duty prior to their appearance at the court to which
21 they are summoned to serve. Upon receipt by the summoning court of a
22 written declaration stating that a declarant does not meet the
23 qualifications set forth in RCW 2.36.070, that declarant shall be
24 excused from appearing in response to the summons. If a person
25 summoned to appear for jury duty fails to sign and return a declaration
26 of his or her qualifications to serve as a juror prior to appearing in
27 response to a summons and is later determined to be unqualified for one
28 of the reasons set forth in RCW 2.36.070, that person shall not be
29 entitled to any compensation as provided in RCW 2.36.150. Information
30 provided to the court for preliminary determination of statutory
31 qualification for jury duty may only be used for the term such person
32 is summoned and may not be used for any other purpose, except that the
33 court, or designee, may report a change of address or nondelivery of
34 summons of persons summoned for jury duty to the county auditor.

35 **Sec. 10.** RCW 29.04.160 and 1977 ex.s. c 226 s 1 are each amended
36 to read as follows:

1 No later than February 15th and no later than August 15th of each
2 year, the secretary of state shall provide a duplicate copy of the
3 master state-wide computer tape or data file of registered voters to
4 the state central committee of each major political party((7)) at
5 actual duplication cost, ((and)) shall provide a duplicate copy of the
6 master state-wide computer tape or data file of registered voters to
7 the statute law committee without cost, and shall provide a duplicate
8 copy of the master state-wide computer tape or electronic data file of
9 registered voters to the department of information services for
10 purposes of creating the jury source list without cost. The master
11 state-wide computer tape or data file of registered voters or portions
12 of the tape or file shall be available to any other political party, at
13 actual duplication cost, upon written request to the secretary of
14 state. Restrictions as to the commercial use of the information on the
15 state-wide computer tape or data file of registered voters, and
16 penalties for its misuse, shall be the same as provided in RCW
17 29.04.110 and 29.04.120 as now existing or hereafter amended.

18 **Sec. 11.** RCW 29.07.220 and 1991 c 81 s 22 are each amended to read
19 as follows:

20 Each county auditor shall maintain a computer file on magnetic tape
21 or disk, punched cards, or other form of data storage containing the
22 records of all registered voters within the county. Where it is
23 necessary or advisable, the auditor may provide for the establishment
24 and maintenance of such files by private contract or through interlocal
25 agreement as provided by chapter 39.34 RCW, as it now exists or is
26 hereafter amended. The computer file shall include, but not be limited
27 to, each voter's last name, first name, middle initial, date of birth,
28 residence address, sex, date of registration, applicable taxing
29 district and precinct codes and the last date on which the individual
30 voted. The county auditor shall subsequently record each consecutive
31 date upon which the individual has voted and retain at least the last
32 five such consecutive dates: PROVIDED, That if the voter has not voted
33 at least five times since establishing his or her current registration
34 record, only the available dates shall be included.

35 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.20 RCW
36 to read as follows:

1 (1) Except as provided in subsection (2) of this section, the
2 department shall annually provide to the department of information
3 services at no charge a computer tape or electronic data file of all
4 licensed drivers and identicard holders who are eighteen years of age
5 or older and whose records have not expired for more than two years and
6 which shall contain the following information on each such person:
7 Full name, date of birth, residence address including county, sex, and
8 most recent date of application, renewal, replacement, or change of
9 driver's license or identicard.

10 (2) Before complying with subsection (1) of this section, the
11 department shall remove from the tape or file the names of any
12 certified participants in the Washington state address confidentiality
13 program under chapter 40.24 RCW that have been identified to the
14 department by the secretary of state.

15 NEW SECTION. **Sec. 13.** If specific funding for section 11 of this
16 act, referencing section 11 of this act by bill number, is not provided
17 by June 30, 1993, in the omnibus appropriations act, section 11 of this
18 act is null and void.

19 NEW SECTION. **Sec. 14.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 15.** (1) Sections 1, 2, 3, 6, 8, and 13 of this
24 act are necessary for the immediate preservation of the public peace,
25 health, or safety, or support of the state government and its existing
26 public institutions, and shall take effect July 1, 1993.

27 (2) Sections 10 and 12 of this act shall take effect March 1, 1994.

28 (3) The remainder of this act shall take effect September 1, 1994.

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