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HOUSE BILL 2264

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Campbell, Ballasiotes, Casada, Cooke, Chappell and King

Read first time 01/12/94. Referred to Committee on Judiciary.

1 AN ACT Relating to juries; adding a new section to chapter 2.36  
2 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that protection of  
5 jurors from fear of retaliation or outside influence is essential to  
6 the judicial system's integrity. The legislature finds that courts  
7 have broad powers to conduct voir dire to assure that selected jurors  
8 are fair and impartial, the defendant's presumption of innocence is  
9 preserved, and that jurors are not subjected to threats, intimidation,  
10 or outside influence. The legislature intends to establish guidelines  
11 for the courts to consider when directing the scope of voir dire to  
12 assure that jurors are protected from harm, the threat of harm, and  
13 outside influence.

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

16 (1) Upon motion of a party or upon the court's own motion, the  
17 court may empanel an anonymous jury if the court finds that a strong  
18 reason exists to believe that the jury needs protection from harm, the

1 threat of harm, or outside influence, and the court takes reasonable  
2 precautions to minimize the effect that empaneling an anonymous jury  
3 may have on the jurors' opinion of the defendant. As an alternative to  
4 empaneling an anonymous jury, the court may limit the scope of voir  
5 dire to restrict access to jurors' full names, addresses, places of  
6 employment, or other identifying information, knowledge of which may  
7 subject jurors to harm, threats of harm, or outside influence.

8 (2) The court shall consider the following factors when considering  
9 whether to empanel an anonymous jury or restrict the scope of voir  
10 dire:

11 (a) The seriousness of the charges, including whether the defendant  
12 is alleged to have engaged in dangerous and unscrupulous conduct in the  
13 context of a large-scale criminal organization or gang;

14 (b) Whether the defendant has access to means to harm the jurors;

15 (c) Whether the defendant has engaged in past attempts to interfere  
16 with the judicial process, such as by tampering with witnesses or  
17 jurors in other cases, or by issuing threats to witnesses, prosecutors,  
18 judges, defense attorneys, law enforcement officers, or jurors in other  
19 cases;

20 (d) The nature and degree of pretrial and expected trial publicity;  
21 and

22 (e) The degree of prejudice to the defendant weighed against the  
23 magnitude of threat to jurors.

24 (3) The court shall ensure that the voir dire is sufficient to  
25 provide the parties with information reasonably necessary to the  
26 intelligent exercise of preemptory challenges.

27 (4) The court shall make reasonable efforts to minimize the effect  
28 that empaneling an anonymous jury or restricting the scope of voir dire  
29 may have on the defendant's presumption of innocence.

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