
SENATE BILL 6357

State of Washington 57th Legislature

2002 Regular Session

By Senators Stevens, Johnson, Hale, Honeyford, Hochstatter, Swecker, Parlette and McDonald

Read first time 01/16/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to selection of jurors; amending RCW 2.36.010,
2 2.36.054, 2.36.055, 2.36.065, and 2.36.070; and repealing RCW 2.36.057
3 and 2.36.0571.

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

5 **Sec. 1.** RCW 2.36.010 and 1993 c 408 s 4 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise the definitions in
8 this section apply throughout this chapter.

9 (1) A jury is a body of persons temporarily selected from the
10 qualified inhabitants of a particular district, and invested with
11 power--

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

13 (b) To try a question of fact.

14 (2) "Court" when used without further qualification means any
15 superior court or court of limited jurisdiction in the state of
16 Washington.

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

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

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

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

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

14 (8) "Jury source list" means the list of all registered voters for
15 any county(~~(, merged with a list of licensed drivers and identicard~~
16 ~~holders who reside in the county)~~). The list shall specify each
17 person's name and residence address and conform to the methodology and
18 standards set pursuant to the provisions of RCW 2.36.054 or by supreme
19 court rule. The list shall be filed with the superior court by the
20 county auditor.

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

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

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

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

35 **Sec. 2.** RCW 2.36.054 and 1993 c 408 s 3 are each amended to read
36 as follows:

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

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

27 (2) Persons on the lists of registered voters ~~((and driver's~~
28 ~~license and identicard holders))~~ shall be identified by a minimum of
29 last name, first name, middle initial where available, date of birth,
30 gender, and county of residence. ~~((Identifying information shall be~~
31 ~~used when merging the lists to ensure to the extent reasonably possible~~
32 ~~that persons are only listed once on the merged list. Conflicts in~~
33 ~~addresses are to be resolved by using the most recent record by date of~~
34 ~~last vote in a general election, date of driver's license or identicard~~
35 ~~address change or date of voter registration.~~

36 (3) ~~The department of information services shall provide counties~~
37 ~~that elect to receive a jury source list merged by department of~~
38 ~~information services with a list of names which are possible duplicates~~
39 ~~that cannot be resolved based on the identifying information required~~

1 under subsection (2) of this section. If a possible duplication cannot
2 subsequently be resolved satisfactorily through reasonable efforts by
3 the county receiving the merged list, the possible duplicate name shall
4 be stricken from the jury source list until the next annual jury source
5 list is prepared.))

6 **Sec. 3.** RCW 2.36.055 and 1993 c 408 s 5 are each amended to read
7 as follows:

8 The superior court at least annually shall cause a jury source list
9 to be compiled from a list of all registered voters ((and a list of
10 licensed drivers and identicard holders)) residing in the county.

11 The superior court upon receipt of the jury source list shall
12 compile a master jury list. The master jury list shall be certified by
13 the superior court and filed with the county clerk. All previous jury
14 source lists and master jury lists shall be superseded. In the event
15 that, for any reason, a county's jury source list is not timely created
16 and available for use at least annually, the most recent previously
17 compiled jury source list for that county shall be used by the courts
18 of that county on an emergency basis only for the shortest period of
19 time until a current jury source list is created and available for use.

20 Upon receipt of amendments to the list of registered voters ((and
21 licensed drivers and identicard holders)) residing in the county the
22 superior court may update the jury source list and master jury list as
23 maintained by the county clerk accordingly.

24 **Sec. 4.** RCW 2.36.065 and 1993 c 408 s 7 are each amended to read
25 as follows:

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

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

1 **Sec. 5.** RCW 2.36.070 and 1988 c 188 s 7 are each amended to read
2 as follows:

3 A person shall be competent to serve as a juror in the state of
4 Washington unless that person:

5 (1) Is less than eighteen years of age;

6 (2) Is not a citizen of the United States;

7 (3) Is not a resident of the county in which he or she has been
8 summoned to serve;

9 (4) Is not a registered voter of the county in which he or she has
10 been summoned to serve;

11 (5) Is not able to communicate in the English language; or

12 (~~(5)~~) (6) Has been convicted of a felony and has not had his or
13 her civil rights restored.

14 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
15 repealed:

16 (1) RCW 2.36.057 (Expanded jury source list--Court rules) and 1993
17 c 408 s 1; and

18 (2) RCW 2.36.0571 (Jury source list--Master jury list--Adoption of
19 rules for implementation of methodology and standards by agencies) and
20 1993 c 408 s 2.

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