

FINAL BILL REPORT

HB 1769

C 199 L 05

Synopsis as Enacted

Brief Description: Authorizing jury source lists to be divided by jury assignment area.

Sponsors: By Representatives P. Sullivan, Simpson and Williams.

House Committee on Judiciary

Senate Committee on Judiciary

Background:

At least once a year, the superior court of each county receives a jury source list that consists of registered voters, licensed drivers, and "identocard" holders living in the county. The lists are merged to create a master jury list for that county. Potential jurors are randomly selected from that list.

The Washington Constitution, Article I, Section 22, requires that in a criminal prosecution, the defendant shall have the right to be tried by an "impartial jury of the county" in which the offense was allegedly committed.

The Washington Supreme Court recently addressed the district court's jury statutes, which allow district courts to select jurors from the "area served by the court" in *State v. Twyman*, 143 Wn.2d 115 (2001). In that case, the jury was selected from three King County zip codes and not the whole of King County. The Court held that the district court's jury selection method did not violate the state Constitution.

The *Twyman* court referenced an earlier case, *Fugita v. Milroy*, 71 Wn. 592 (1913), which stated that the words "jury of the county" means the defendant "is entitled to have the venire extended to the body of the county, and that it may not be restricted to a less unit; at least, without express legislative sanction." Both cases involved courts of limited jurisdiction, and the Court did not address whether its decision would be different for superior court jury selections.

Summary:

In a county with more than one superior court facility and a separate case assignment area for each facility, the jury source list may be divided into jury assignment areas. At the request of the majority of the judges of the superior court, the Administrative Office of the Courts may designate and adjust jury assignment area boundaries based on United States census data.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 24, 2005