

HOUSE BILL REPORT

SHB 1610

As Passed Legislature

Title: An act relating to jury service.

Brief Description: Changing jury service provisions.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives McCaslin, Riccelli, Rodne, Orwall, Holy, Stokesbary, G. Hunt, Taylor and Shea).

Brief History:

Committee Activity:

Judiciary: 2/10/15, 2/19/15 [DPS].

Floor Activity:

Passed House: 3/4/15, 98-0.

Passed Senate: 3/25/15, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Reduces the maximum jury term from one month to two weeks in counties with a jury source list of at least 70,000 names.
- Reduces the maximum term of juror service, except to complete a trial, from two weeks to one week in counties with a jury source list of at least 70,000 names.
- Reduces, in all counties, the optimal jury term and the amount of jury service in a 12-month period that warrants excusal upon a subsequent summons from two weeks to one week.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Staff: Omeara Harrington (786-7136).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Juries.

A jury is a body of persons temporarily selected from the qualified inhabitants of a particular district and invested with the power to present or indict a person for a public offense or try a question of fact. Jurors are randomly selected from a jury source list made up of the list of registered voters, licensed drivers, and identocard holders in each county. A person is qualified to be a juror if that person is over age 18, a United States citizen, a resident of the county of service, able to communicate in English, and has not been convicted of a felony.

Jury Service.

The court sets the length and number of jury terms within a 12-month period, subject to statutory parameters for jury terms and service.

The "jury term" is the period of time during which summoned jurors must be available to report for jury service. The jury term is a period of time of one or more days, not to exceed one month. The term of "juror service" is the period of time a juror is required to be present at the court facility. The period of juror service may not extend beyond the jury term, and may not exceed two weeks, except to complete a trial to which the juror was assigned during the two-week period.

It is the policy of the state to maximize the availability of residents of the state for jury service, and to minimize the burden on the prospective jurors, their families, and employers resulting from jury service. Statute instructs that the jury term and jury service should be set at as brief an interval as is practical given the size of the jury source list for the judicial district. The optimal jury term is two weeks or less. Optimal juror service is one day or one trial, whichever is longer.

Excusal from Jury Service.

No person may be excused from jury service by the court except upon a showing of undue hardship, extreme inconvenience, public necessity, or any reason deemed sufficient by the court for a period of time the court deems necessary. A prospective juror excused from juror service for a particular time may be assigned to another jury term. When the jury source list has been fully summoned and additional jurors are needed, jurors who have already served may be summoned again for service. A juror who has previously served may be excused if he or she served at least two weeks of juror service within the preceding 12 months.

Summary of Substitute Bill:

The maximum jury term and maximum period of jury service are shortened in counties with a jury source list of at least 70,000 names. The jury term is shortened from one or more days, not exceeding one month to one or more days, not exceeding two weeks. The term of jury service is shortened from up to two weeks to up to one week.

In all counties, the optimal jury term is one week or less. A juror who is summoned for jury service after having already served within the previous 12 months qualifies for excusal if he or she has served at least one week of juror service during that preceding 12 months.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill comes from a constituent who is asking for more equity in jury selection. There are people who have served many more times than others, and this is an effort to get more people involved in jury service. It shortens the jury term availability from one month to two weeks, and shortens jury service from two weeks to one week. It does not shorten trial service.

The Board for Judicial Administration created the Washington State Jury Commission (Commission) to look at juror responsiveness, participation, and satisfaction. The Commission came out with a report, which is now 15 years old, but is in line with surveys from other states. The report recommended shortening jury terms and service, and this bill does not even go as far as was recommended. Reducing the time that someone needs to be available and at the courthouse increases responsiveness and reduces excusals. It also creates a system where more people can serve, and this is usually reported as a positive experience. Jury service is spread more evenly across the population. While a greater number of jurors may have to be summoned, the group is more qualified, so the increase in mailing costs would have less impact over time. The National Center for State Courts found that smaller jurisdictions have a smaller trial load, so in those places it may work to lengthen the term but keep the service short.

(In support with amendment(s)) In small counties there is not a large jury pool. If the terms are shortened, the same people end up being called over and over again. Amendment language is suggested that makes these changes applicable to counties with jury pools of over 70,000. Some smaller counties have already shortened jury terms and juror service terms, because the community is more able to serve for reasons like having a large number of retirees, but it would be good to offer smaller counties flexibility.

(Opposed) None.

Persons Testifying: (In support) Representative McCaslin, prime sponsor; and Mellani McAleenan, Board for Judicial Administration.

(In support with amendment(s)) Michael Shaw, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.