

HOUSE BILL REPORT

HB 2398

As Reported by House Committee On:
Judiciary

Title: An act relating to jury selection.

Brief Description: Concerning jury selection.

Sponsors: Representatives Kilduff, Graves, Jinkins, Sawyer, Pollet, Valdez and Appleton.

Brief History:

Committee Activity:

Judiciary: 1/16/18, 1/24/18 [DPS].

Brief Summary of Substitute Bill

- Amends jury selection provisions to align with Washington's Law Against Discrimination.

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; Graves, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Shea and Valdez.

Staff: Ingrid Lewis (786-7289).

Background:

Jury Selection.

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 the age of 18, a United States citizen, a resident of the county of service, and able to communicate in English. If a person has ever been convicted of a felony, the person must have had their civil rights restored.

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.

A citizen cannot be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

Washington Law Against Discrimination.

The Washington Law Against Discrimination establishes that it is a civil right to be free from discrimination based on: race; color; creed; national origin; sex or sexual orientation; honorably discharged veteran or military status; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal. This right applies to: employment; places of public resort, accommodation, or amusement; commerce; and real estate, credit, and insurance transactions.

Summary of Substitute Bill:

Jury selection provisions are expanded to prohibit exclusion based on: creed; honorably discharged veteran or military status; sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal.

Substitute Bill Compared to Original Bill:

The substitute bill maintains a party's right to preemptory challenges and challenges for cause, as well as a judge's duty to excuse a juror who is unfit to serve.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: 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 is an important update to our juror services statutes. Juries are the bedrock of our democracy and promote the American ideal of equal justice for all. Every juror brings a unique perspective and life experience to a proceeding. Current laws fail to include certain protected classes in jury service provisions. This legislation corrects that oversight while not touching on a court's discretion on preemptory or other challenges, and ensures that every Washingtonian is welcome to the jury room to sit in judgement of peers.

(Opposed) None.

Persons Testifying: Representative Kilduff, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.