

SENATE BILL REPORT

SB 5162

As Reported by Senate Committee On:
Law & Justice, February 7, 2019

Title: An act relating to qualifications for jury service.

Brief Description: Clarifying qualifications for jury service.

Sponsors: Senators Dhingra, Pedersen, Wellman, Das, Keiser, Palumbo, Carlyle, Darneille, Hasegawa, Saldaña and Kuderer.

Brief History:

Committee Activity: Law & Justice: 1/31/19, 2/07/19 [DP].

Brief Summary of Bill

- Defines "civil rights restored" to mean a person's right to vote has been provisionally or permanently restored prior to jury service.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Tim Ford (786-7423)

Background: Jury Qualifications. A person is not competent to be a juror if that person:

- is less than eighteen years of age;
- is not a citizen of the United States;
- is not a resident of the county in which the person has been summoned to serve;
- is not able to communicate in the English language; or
- has been convicted of a felony and has not had the person's civil rights restored.

The Washington State constitution prohibits persons convicted of infamous crimes from voting unless their civil rights are restored. "Infamous crimes" is defined in state law to mean a crime punishable by death or imprisonment in a state or federal correctional facility.

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.

Infamous crimes do not include an adjudication in juvenile court, nor a conviction for a misdemeanor or gross misdemeanor.

For felony convictions in a Washington State court, the right to vote is provisionally restored as long as the convicted person is not under the authority of the Department of Corrections (DOC). Under authority of DOC means either being in prison or community custody. For a felony conviction in a federal or other state court, the right to vote is restored when the person is no longer incarcerated. A provisional right to vote may be revoked for failure to pay legal financial obligations.

The right to vote may be permanently restored by:

- a certificate of discharge issued by the sentencing court;
- a final order of discharge issued by the Indeterminate Sentencing Review Board;
- a certificate of restoration issued by the Governor; or
- a court order restoring the right after termination of a suspended sentence.

Summary of Bill: The act defines "civil rights restored" to mean a person's right to vote has been provisionally or permanently restored prior to jury service.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This suggested change came from the jury diversity work group. There is confusion over at what point in time is someone eligible for jury service after a person convicted of a felony has done their time. The definition of "civil rights are restored" means when voting rights are provisionally or permanently restored. The bill will enable people who have served their time to now serve as jurists, as is their right. It will have a positive impact on the mix of jurors in our jury pool.

Persons Testifying: PRO: Senator Manka Dhingra, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.