

HOUSE BILL REPORT

HB 1312

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to allowing persons who are 70 years of age or older to opt out of juror service.

Brief Description: Concerning jury service.

Sponsors: Representatives Rude, Entenman, Goodman, Ortiz-Self and Ormsby.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/24/23, 1/27/23 [DP].

Brief Summary of Bill

- Allows a person who is 70 years of age or older to be excused from jury service based on an attestation that the person is unable to serve due to health reasons.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney, Entenman, Goodman, Peterson, Rude and Walen.

Staff: Edie Adams (786-7180).

Background:

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 for which civil rights have not been restored. Jurors are randomly

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selected from a jury source list made up of the list of registered voters, licensed drivers, and identicard holders in each county.

Jury Service.

The court sets the length and number of jury terms within a 12-month period, subject to statutory requirements. Jurors are summoned for a jury term. A "jury term" is the time that a summoned juror must be available to report for jury service, and the term of "juror service" is the time the juror is required to be present at the court facility. In counties with a jury source list that has at least 70,000 names, the jury term cannot exceed two weeks, and the term of juror service may not exceed one week except to complete a trial. In counties with a jury source list that has less than 70,000 names, the jury term may not exceed one month and the term of juror service may not exceed two weeks except to complete a trial.

It is the policy of the state to maximize the availability of residents of the state for jury service, and to minimize the burden from jury service. Statute instructs that the jury term and juror 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 one week 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 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 one week of juror service within the preceding 12 months.

Summary of Bill:

A person who is 70 years of age or older may request to be excused from jury service if the person attests that the person is unable to serve due to health reasons, and the court must grant the request. An attestation form must be developed by the court and may not include a requirement that a doctor's note be provided.

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 is a reasonable request that reflects what is known about aging and the health conditions that come with aging. Many older people cannot manage the rigors of one or more days of jury service. A number of courts require a physician's note in order to be excused for health reasons, which requires a trip to the doctor's office. The bill streamlines the process and removes the inconvenience of trying to get documentation to prove a health condition. The process still requires a declaration of a medical condition.

(Opposed) There are challenges to jury service, regardless of age, but many jurors over the age of 70 are retired or at a point in their lives where they can serve with the least disruption to their family lives and income streams. They also have a level of maturity and insight gained through experience that is valuable during jury service. There are processes in place to allow for excusal for medical reasons without a medical certificate requirement. This change would shrink an already small jury pool in small counties.

Persons Testifying: (In support) Representative Skyler Rude, prime sponsor; and Ann Chenhall, Thurston County School Retirees Association, Interfaith Works, Unity of Olympia, and Stately Speakers.

(Opposed) Stanley Rumbaugh, Superior Court Judges' Association.

Persons Signed In To Testify But Not Testifying: None.