
Civil Rights & Judiciary Committee

2SSB 5128

Brief Description: Concerning jury diversity.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman and Wilson, C.; by request of Administrative Office of the Courts).

Brief Summary of Second Substitute Bill

- Requires the Administrative Office of the Courts to provide the courts with a method to collect data on juror demographics.
- Requires the Administrative Office of the Courts to establish a work group to make recommendations for the creation of a childcare assistance program available to jurors.
- Permits electronic service of jury service summons.

Hearing Date: 3/15/23

Staff: Matt Sterling (786-7289).

Background:

A jury is a body of individuals temporarily selected from the qualified residents of a particular district who are vested with the power to present or indict a person for a public offense or try a question of fact. All individuals are considered competent to serve as a juror unless that person is:

- less than 18 years old;
- not a citizen of the United States;
- not a citizen of the county in which they have been summoned to serve;
- not able to communicate in the English language; or

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- a convicted felon who has not had their civil rights restored.

Jury Source List.

The Consolidated Technology Services Agency must annually provide the superior court of each county a list of the registered voters residing in that county as supplied by the Secretary of State and a list of driver's license and identicard holders residing in that county as supplied by the Department of Licensing, or a merged list of all such persons.

A jury source list is a list of all registered voters of a county that is merged with a list of licensed drivers and identicard holders who reside in that county. The list specifies each person's first and last name, middle initial, date of birth, gender, and residence address. Information provided to the court for preliminary determination of qualification for jury duty may only be used for the term the person is summoned and may not be used for any other purpose. Jury source lists are used to create a master list from which jurors are randomly selected.

Jury Service.

Individuals selected for jury service are selected at random from a fair cross section of the population of the area served by the court. The county clerk issues jury summons to persons selected for jury duty by mail or personal service.

Individuals may not be excluded from jury service on account of membership in a protected class or on account of economic status. Jurors may be excused by the court if jury duty is an undue hardship or extreme inconvenience, for public necessity, or as the court deems necessary. The court must excuse from further jury service any juror who, in the opinion of the court, has manifested unfitness as a juror by reason of bias, prejudice, indifference, inattention, or any physical or mental defect or by reason of conduct or practices incompatible with proper and efficient jury service.

The rate of pay for jurors is set by state law. Jurors must be paid a minimum of \$10 per day, and local jurisdictions may determine to pay jurors up to \$25 per day. Additionally, jurors receive reimbursement for mileage at the rate set for state officials and employees by the director of the Office of Financial Management. The local jurisdictions bear the cost of paying jurors, but the state reimburses the county in which trial is held for all jury and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution.

Summary of Bill:

Jury Source List.

The Administrative Office of the Courts (AOC) is required to provide all courts with a method to collect data on juror demographics, including race, ethnicity, age, sex, employment status, educational attainment, and income. This data must be reported in a manner that preserves juror anonymity.

Beginning January 1, 2024, individuals on lists of registered voters and driver's license and

identocard holders, may opt in to the Secretary of State and Department of Licensing sharing their email address with the consolidated technology services agency to facilitate receiving jury summons and other communications related to jury service by electronic means.

Childcare for Jurors.

The AOC must establish a work group to make recommendations for the creation of a childcare assistance program for individuals reporting for jury service with the intent to eliminate the absence of childcare as a barrier to performing jury service. The work group must outline the planning and implementation of the program and an estimate of the cost. The AOC must report the findings and recommendations of the work group to the Legislature by December 1, 2024.

Appropriation: None.

Fiscal Note: Available.

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