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**SUBSTITUTE SENATE BILL 5128**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman, and C. Wilson; by request of Administrative Office of the Courts)

READ FIRST TIME 01/13/23.

1 AN ACT Relating to jury diversity; amending RCW 2.36.150,  
2 35.20.090, 2.36.095, and 2.36.054; adding a new section to chapter  
3 2.36 RCW; creating a new section; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.36 RCW  
6 to read as follows:

7 The administrative office of the courts shall provide all courts  
8 with a method to collect data on a juror's race, ethnicity, age, sex,  
9 employment status, educational attainment, and income, as well as any  
10 other data approved by order of the chief justice of the Washington  
11 state supreme court. Data collection must be conducted and reported  
12 in a manner that preserves juror anonymity. The administrative office  
13 of the courts shall publish this demographic data in an annual report  
14 to the governor.

15 NEW SECTION. **Sec. 2.** (1)(a) The administrative office of the  
16 courts shall establish a work group to make recommendations for the  
17 creation of a child care assistance program for individuals reporting  
18 for jury service.

1 (b) The purpose of the child care assistance program shall be to  
2 eliminate the absence of child care as a barrier to performing jury  
3 service.

4 (2)(a) By December 1, 2024, the administrative office of the  
5 courts shall report the work group findings and recommendations for  
6 establishing a child care assistance program to the appropriate  
7 committees of the legislature.

8 (b) The report must outline the planning and implementation of  
9 the program and an estimation of the cost.

10 (3) This section expires December 1, 2024.

11 **Sec. 3.** RCW 2.36.150 and 2006 c 372 s 903 are each amended to  
12 read as follows:

13 (1) Jurors shall receive for each day's attendance, besides  
14 mileage at the rate determined under RCW 43.03.060, the following  
15 expense payments:

16 ~~((1))~~ (a) Grand jurors may receive up to ~~((twenty-five  
17 dollars))~~ \$25 but in no case less than ~~((ten dollars))~~ \$10;

18 ~~((2))~~ (b) Petit jurors may receive up to ~~((twenty-five  
19 dollars))~~ \$25 but in no case less than ~~((ten dollars))~~ \$10;

20 ~~((3))~~ (c) Coroner's jurors may receive up to ~~((twenty-five  
21 dollars))~~ \$25 but in no case less than ~~((ten dollars))~~ \$10;

22 ~~((4))~~ (d) District court jurors may receive up to ~~((twenty-five  
23 dollars))~~ \$25 but in no case less than ~~((ten dollars))~~ \$10;

24 PROVIDED, That a person excused from jury service at his or her own  
25 request shall be allowed not more than a per diem and such mileage,  
26 if any, as to the court shall seem just and equitable under all  
27 circumstances: PROVIDED FURTHER, That the state shall fully reimburse  
28 the county in which trial is held for all jury fees and witness fees  
29 related to criminal cases which result from incidents occurring  
30 within an adult or juvenile correctional institution: PROVIDED  
31 FURTHER, That the expense payments paid to jurors shall be determined  
32 by the county legislative authority and shall be uniformly applied  
33 within the county.

34 ~~((For the fiscal year ending June 30, 2007, jurors participating  
35 in pilot projects in superior, district, and municipal courts may  
36 receive juror fees of up to sixty-two dollars for each day of  
37 attendance in addition to mileage reimbursement at the rate  
38 determined under RCW 43.03.060.))~~

1       (2)(a) Subject to the availability of amounts appropriated for  
2 this specific purpose, jurors who qualify for a means-tested state-  
3 run benefits program, including supplemental nutrition assistance  
4 program (SNAP), temporary assistance for needy families (TANF), or  
5 women, infants, and children nutrition program (WIC), shall receive  
6 \$125 for each day's attendance, provided that their employer does not  
7 pay the juror their regular wages or salary while performing jury  
8 service.

9       (b) If an employer does pay employees qualifying for a means-  
10 tested state-run benefits program their regular wage or salary while  
11 performing jury service, but that wage is less than \$125 per day,  
12 then the county shall, subject to the availability of amounts  
13 appropriated for this specific purpose, pay the juror the difference  
14 between their normal wage or salary and \$125 for each day's  
15 attendance.

16       **Sec. 4.** RCW 35.20.090 and 1987 c 202 s 195 are each amended to  
17 read as follows:

18       (1) In all civil cases and criminal cases where jurisdiction is  
19 concurrent with district courts as provided in RCW 35.20.250, within  
20 the jurisdiction of the municipal court, the plaintiff or defendant  
21 may demand a jury, which shall consist of six citizens of the state  
22 who shall be impaneled and sworn as in cases before district courts,  
23 or the trial may be by a judge of the municipal court: PROVIDED, That  
24 no jury trial may be held on a proceeding involving a traffic  
25 infraction. A defendant requesting a jury shall pay to the court a  
26 fee which shall be the same as that for a jury in district court.  
27 Where there is more than one defendant in an action and one or more  
28 of them requests a jury, only one jury fee shall be collected by the  
29 court. Each juror may receive up to (~~twenty-five dollars~~) \$25 but  
30 in no case less than (~~ten dollars~~) \$10 for each day in attendance  
31 upon the municipal court, and in addition thereto shall receive  
32 mileage at the rate determined under RCW 43.03.060: PROVIDED, That  
33 the compensation paid jurors shall be determined by the legislative  
34 authority of the city and shall be uniformly applied. Trial by jury  
35 shall be allowed in criminal cases involving violations of city  
36 ordinances commencing January 1, 1972, unless such incorporated city  
37 affected by this chapter has made provision therefor prior to January  
38 1, 1972.

1       (2)(a) Subject to the availability of amounts appropriated for  
2 this specific purpose, jurors who qualify for a means-tested state-  
3 run benefits program, including supplemental nutrition assistance  
4 program (SNAP), temporary assistance for needy families (TANF), or  
5 women, infants, and children nutrition program (WIC), shall receive  
6 \$125 for each day's attendance, provided that their employer does not  
7 pay the juror their regular wage or salary while performing jury  
8 service.

9       (b) If an employer does pay employees qualifying for a means-  
10 tested state-run benefits program their regular wage or salary while  
11 performing jury service, but that wage is less than \$125 per day, the  
12 city, subject to the availability of amounts appropriated for this  
13 specific purpose, shall pay the juror the difference between their  
14 normal wage or salary and \$125 for each day's attendance.

15       **Sec. 5.** RCW 2.36.095 and 2013 c 246 s 1 are each amended to read  
16 as follows:

17       (1) Persons selected to serve on a petit jury, grand jury, or  
18 jury of inquest shall be summoned by mail or personal service, or  
19 electronically. The county clerk shall issue summons and thereby  
20 notify persons selected for jury duty. The clerk may issue summons  
21 for any jury term, in any consecutive twelve-month period, at any  
22 time thirty days or more before the beginning of the jury term for  
23 which the summons are issued. However, when applicable, the  
24 provisions of RCW 2.36.130 apply.

25       (2) In courts of limited jurisdiction summons shall be issued by  
26 the court. Upon the agreement of the courts, the county clerk may  
27 summon jurors for any and all courts in the county or judicial  
28 district.

29       **Sec. 6.** RCW 2.36.054 and 2015 c 225 s 1 are each amended to read  
30 as follows:

31       Unless otherwise specified by rule of the supreme court, the jury  
32 source list and master jury list for each county shall be created as  
33 provided by this section.

34       (1) The superior court of each county, after consultation with  
35 the county clerk and county auditor of that jurisdiction, shall  
36 annually notify the consolidated technology services agency not later  
37 than March 1st of each year of its election to use either a jury  
38 source list that is merged by the county or a jury source list that

1 is merged by the consolidated technology services agency. The  
2 consolidated technology services agency shall annually furnish at no  
3 charge to the superior court of each county a separate list of the  
4 registered voters residing in that county as supplied annually by the  
5 secretary of state and a separate list of driver's license and  
6 identicard holders residing in that county as supplied annually by  
7 the department of licensing, or a merged list of all such persons  
8 residing in that county, in accordance with the annual notification  
9 required by this subsection. The lists provided by the consolidated  
10 technology services agency shall be in an electronic format mutually  
11 agreed upon by the superior court requesting it and the consolidated  
12 technology services agency. The annual merger of the list of  
13 registered voters residing in each county with the list of licensed  
14 drivers and identicard holders residing in each county to form a jury  
15 source list for each county shall be in accordance with the standards  
16 and methodology established in this chapter or by superseding court  
17 rule whether the merger is accomplished by the consolidated  
18 technology services agency or by a county.

19 (2) (a) Persons on the lists of registered voters and driver's  
20 license and identicard holders shall be identified by a minimum of  
21 last name, first name, middle initial where available, date of birth,  
22 gender, and county of residence. Identifying information shall be  
23 used when merging the lists to ensure to the extent reasonably  
24 possible that persons are only listed once on the merged list.  
25 Conflicts in addresses are to be resolved by using the most recent  
26 record by date of last vote in a general election, date of driver's  
27 license or identicard address change or date of voter registration.

28 (b) Starting January 1, 2024, persons on the lists of registered  
29 voters and driver's license and identicard holders shall have the  
30 ability to opt in to the secretary of state and department of  
31 licensing sharing their email address with the consolidated  
32 technology services agency for the purposes of electronically  
33 receiving jury summons and other communication related to jury  
34 service.

35 (3) The consolidated technology services agency shall provide  
36 counties that elect to receive a jury source list merged by the  
37 consolidated technology services agency with a list of names which  
38 are possible duplicates that cannot be resolved based on the  
39 identifying information required under subsection (2) of this  
40 section. If a possible duplication cannot subsequently be resolved

1 satisfactorily through reasonable efforts by the county receiving the  
2 merged list, the possible duplicate name shall be stricken from the  
3 jury source list until the next annual jury source list is prepared.

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