

# SENATE BILL REPORT

## SB 5101

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As of January 23, 1997

**Title:** An act relating to juror privacy.

**Brief Description:** Protecting juror privacy.

**Sponsors:** Senators Oke, Winsley and Sheldon.

**Brief History:**

**Committee Activity:** Law & Justice: 1/28/97.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Martin Lovinger (786-7443)

**Background:** Washington has a long tradition of protecting the privacy rights of its citizens. However, there is no law that protects jurors from unwanted post-verdict contact. This is particularly a problem in cases involving the death penalty. It is common for defendants who have been sentenced to death to seek out jurors years after their verdict in an attempt to uncover misconduct as a basis for appeal. There are reports of frightened jurors receiving phone calls years after they were discharged.

One solution has been for prosecutors to file juror protective motions, especially in capital cases. Courts have generally granted these motions. But it is felt that it is impracticable to file juror protective motions in every case, particularly since the need for protection also arises in cases which do not involve the death penalty.

**Summary of Substitute Bill:** Judges in criminal and civil cases must inform jurors prior to discharge of the right to discuss or not discuss the deliberations or verdict with anyone. The plaintiff, defendant or an agent of either may discuss the case with a juror if the juror consents to the discussion prior to leaving the courthouse. Any contact with the juror by the plaintiff, defendant or an agent for either without the juror's consent is a violation punishable under the court's contempt powers and must be immediately reported to the trial judge. The plaintiff, defendant, or an attorney for either may petition the court for access to the juror. Any information obtained in violation of this statute is not admissible in any court in the state.

After the verdict is recorded, the addresses and telephone numbers of the jurors must be sealed. A petition for access to these records must be granted if there is good cause and there is no compelling interest against disclosure, and if the juror is willing to be contacted by the petitioner. Any court employee who discloses sealed address and telephone number information in violation of a court order is guilty of a misdemeanor. Anyone who solicits the improper disclosure of sealed address and telephone number information is guilty of a misdemeanor.

This act applies retroactively to the extent possible.

**Substitute Bill Compared to Original Bill:** The substitute bill clarifies that the prohibited contact only involves discussion of the juror's service, deliberations and the verdict. Also, any information obtained in violation of this statute is inadmissible in any court in the state.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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