

2SSB 5454 - S AMD 333
By Senator Carrell

NOT ADOPTED 03/14/2005

1 Beginning on page 2, after line 5, strike all material through
2 "subsection." on page 5, line 30 and insert the following:

3 "PART I - COMPENSATION FOR JURY SERVICE

4 **Sec. 101.** RCW 2.36.150 and 2004 c 127 s 1 are each amended to read
5 as follows:

6 Jurors shall receive for each day's or partial day's attendance,
7 besides mileage at the rate determined under RCW 43.03.060, the
8 following expense payments:

9 (1) Grand jurors ((~~may~~)) shall receive up to twenty-five dollars
10 but in no case less than ten dollars for the first day or partial day
11 in attendance and shall receive up to forty-five dollars but in no case
12 less than thirty dollars for each day or partial day thereafter;

13 (2) Petit jurors ((~~may~~)) shall receive up to twenty-five dollars
14 but in no case less than ten dollars for the first day or partial day
15 in attendance and shall receive up to forty-five dollars but in no case
16 less than thirty dollars for each day or partial day thereafter;

17 (3) Coroner's jurors ((~~may~~)) shall receive up to twenty-five
18 dollars but in no case less than ten dollars for the first day or
19 partial day in attendance and shall receive up to forty-five dollars
20 but in no case less than thirty dollars for each day or partial day
21 thereafter;

22 (4) District court jurors ((~~may~~)) shall receive up to twenty-five
23 dollars but in no case less than ten dollars(~~(:—PROVIDED, That)~~) for
24 the first day or partial day in attendance and shall receive up to
25 forty-five dollars but in no case less than thirty dollars for each day
26 or partial day thereafter;

27 (5) The state shall reimburse the county for fifty percent of juror
28 compensation for each day or partial day of jury service and fifty
29 percent of the cost of juror mileage.

1 However, a person excused from jury service at his or her own
2 request shall be allowed not more than a per diem and such mileage, if
3 any, as to the court shall seem just and equitable under all
4 circumstances(~~(:—PROVIDED FURTHER, That)~~). The state shall fully
5 reimburse the county in which trial is held for all jury fees and
6 witness fees related to criminal cases which result from incidents
7 occurring within an adult or juvenile correctional institution(~~(:—~~
8 ~~PROVIDED FURTHER, That)~~). The expense payments paid to jurors shall be
9 determined by the county legislative authority and shall be uniformly
10 applied within the county.

11 **Sec. 102.** RCW 3.50.135 and 1984 c 258 s 126 are each amended to
12 read as follows:

13 In all civil cases, the plaintiff or defendant may demand a jury,
14 which shall consist of six citizens of the state who shall be impaneled
15 and sworn as in cases before district courts, or the trial may be by a
16 judge of the municipal court: PROVIDED, That no jury trial may be held
17 on a proceeding involving a traffic infraction. A party requesting a
18 jury shall pay to the court a fee which shall be the same as that for
19 a jury in district court. If more than one party requests a jury, only
20 one jury fee shall be collected by the court. The fee shall be
21 apportioned among the requesting parties. Each juror (~~(may)~~) shall
22 receive up to twenty-five dollars but in no case less than ten dollars
23 for (~~(each)~~) the first day or partial day in attendance (~~(upon the~~
24 ~~municipal court)~~) and shall receive up to forty-five dollars but in no
25 case less than thirty dollars for each day or partial day thereafter,
26 and in addition thereto shall receive mileage at the rate determined
27 under RCW 43.03.060(~~(:—PROVIDED, That)~~). The compensation paid jurors
28 shall be determined by the legislative authority of the city and shall
29 be uniformly applied. The state shall reimburse the city for fifty
30 percent of juror compensation for each day or partial day of jury
31 service and fifty percent of the cost of juror mileage.

32 Jury trials shall be allowed in all criminal cases unless waived by
33 the defendant.

34 **Sec. 103.** RCW 35.20.090 and 1987 c 202 s 195 are each amended to
35 read as follows:

36 In all civil cases and criminal cases where jurisdiction is

1 concurrent with district courts as provided in RCW 35.20.250, within
2 the jurisdiction of the municipal court, the plaintiff or defendant may
3 demand a jury, which shall consist of six citizens of the state who
4 shall be impaneled and sworn as in cases before district courts, or the
5 trial may be by a judge of the municipal court: PROVIDED, That no jury
6 trial may be held on a proceeding involving a traffic infraction. A
7 defendant requesting a jury shall pay to the court a fee which shall be
8 the same as that for a jury in district court. Where there is more
9 than one defendant in an action and one or more of them requests a
10 jury, only one jury fee shall be collected by the court. Each juror
11 (~~may~~) shall receive up to twenty-five dollars but in no case less
12 than ten dollars for (~~each~~) the first day or partial day in
13 attendance (~~upon the municipal court~~) and shall receive up to forty-
14 five dollars but in no case less than thirty dollars for each day or
15 partial day thereafter, and in addition thereto shall receive mileage
16 at the rate determined under RCW 43.03.060(~~:- PROVIDED, That~~). The
17 compensation paid jurors shall be determined by the legislative
18 authority of the city and shall be uniformly applied. The state shall
19 reimburse the city for fifty percent of juror compensation for each day
20 or partial day of jury service and fifty percent of the cost of juror
21 mileage.

22 Trial by jury shall be allowed in criminal cases involving
23 violations of city ordinances commencing January 1, 1972, unless such
24 incorporated city affected by this chapter has made provision therefor
25 prior to January 1, 1972.

26 NEW SECTION. Sec. 104. A new section is added to chapter 2.36 RCW
27 to read as follows:

28 (1) The compensation to be paid jurors by counties and cities in
29 RCW 2.36.150, 3.50.135, and 35.20.090 shall only take effect and shall
30 only remain in effect upon an appropriation by the state legislature in
31 each ensuing biennium to reimburse counties and municipalities for
32 fifty percent of the cost of juror compensation and fifty percent of
33 the cost of jury mileage.

34 (2) For each period for which a county or city seeks reimbursement
35 for the expense of juror mileage and juror fees under RCW 2.36.150,
36 3.50.135, and 35.20.090, the jurisdiction shall submit documentation
37 sufficiently detailing the total amount of mileage paid to all jurors,

1 the total number of individuals reporting for at least one day or
2 partial day of jury service and the total number of days or partial
3 days served by the jurors so reporting.

4 (3) The amount of reimbursement for which each jurisdiction is
5 eligible shall be calculated by summing the total amount of mileage
6 paid multiplied by fifty percent and the total number of individual
7 jurors reporting multiplied by fifty percent of the amount set by the
8 local jurisdiction for the first day of service and the total number of
9 days served by reporting jurors less the total number of individuals
10 reporting for jury service multiplied by fifty percent of the amount
11 set by the local jurisdiction.

12 (4) A sum equal to fifty percent of any savings realized by a
13 county or city by result of the adoption of this act shall be deposited
14 in the local trial court improvement account. The calculation of the
15 amount to be deposited in the local trial court improvement account
16 shall be the sum total of the amount to be reimbursed a jurisdiction
17 under subsection (3) of this section minus fifty percent of the sum
18 total of the total amount of mileage paid and the total number of days
19 served by reporting jurors multiplied by ten dollars."

20 Correct any references accordingly.

21 Beginning on page 5, line 34, after "chapter" strike all material
22 through "3.50.080(3)" on page 6, line 1

23 On page 6, beginning online 2, after "account." strike all material
24 through "account." on line 5

25 On page 6, beginning on line 10, after "chapter" strike all
26 material through "3.50.080(3)" on line 12

27 On page 6, beginning on line 13, after "account." strike all
28 material through "account." on line 15

29 On page 6, beginning on line 22, after "account." strike all
30 material through "account." on line 25

31 On page 6, beginning on line 30, after "chapter" strike all
32 material through "RCW 35.20.160(3)" on line 32

1 Beginning on page 6, line 33, after "account." strike all material
2 through "account." on page 7, line 1

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3 On page 1, beginning on line 1 of the title, after "amending RCW"
4 strike all material through "35.20.160," on line 2 and insert
5 "2.36.150, 3.50.135, 35.20.090,"

6 On page 1, line 4 of the title, after "36.18.020;" insert "adding
7 a new section to chapter 2.36 RCW;"

EFFECT: Adds compensation for jury service. Removes payment of
District and Municipal court judge salary.

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