

# SENATE BILL REPORT

## SHB 2398

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As of February 16, 2018

**Title:** An act relating to jury selection.

**Brief Description:** Concerning jury selection.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Kilduff, Graves, Jenkins, Sawyer, Pollet, Valdez and Appleton).

**Brief History:** Passed House: 2/08/18, 98-0.

**Committee Activity:** Law & Justice: 2/15/18.

### Brief Summary of Bill

- Expands existing prohibitions for excluding a person from jury service to conform with the Washington Law Against Discrimination (WLAD).
- Prohibits discrimination based on race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.
- Provides exceptions for the duty of a judge to excuse a juror, or the right of any party to make challenges to individual jurors based on a lack of qualification or lack of competency due to bias, prejudice, indifference, inattention or any physical or mental defect.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** Jury Qualifications, Selection, Term, and Exclusions. A person is not competent to be a juror if that person:

- is less than 18 years of age;
- is not a citizen of the United States;
- is not a resident of the county in which the person has been summoned to serve;
- is not able to communicate in the English language; or
- has been convicted of a felony and has not had the person's civil rights restored.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A jury source list is a list of all registered voters of a county, merged with a list of licensed drivers and identocard 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.

Prospective jurors are summoned for a jury term, optimally a period of one or more days, or one trial, whichever is longer, but not exceeding a term of two weeks for counties with a jury source list that has at least 70,000 names, and one month for counties with a jury source list of less than 70,000 names. The prospective juror must be available to report to the courthouse to serve on a jury.

Jurors may be excused if jury duty is an undue hardship, extreme inconvenience, for public necessity, or as the court deems necessary. A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin, or economic status. However, individual jurors may be challenged and parties are entitled to three peremptory challenges without debate.

WLAD. WLAD protects civil rights and ensures that everyone is free from discrimination in employment, real estate transactions, public accommodations, or when seeking credit and insurance. Anti-discrimination laws prohibit employment discrimination based on race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

**Summary of Bill:** The prohibitions for exclusion from jury service are expanded to conform with the WLAD. A citizen shall not be excluded from jury service based on race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

These prohibitions do not affect the duty of a judge to excuse a juror, or the right of any party to make challenges to individual jurors based on a lack of qualification or lack of competency due to bias, prejudice, indifference, inattention or any physical or mental defect.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: Juries are the bedrock of our democracy and they help advance equal justice for all. Every juror brings a unique perspective and life experience. The purpose of the bill is to align the statutory language with the WLAD. It

doesn't interfere with the right to make a peremptory challenge to a juror. Disabled people must be accommodated in public places and this bill will help disabled people to serve on juries.

**Persons Testifying:** PRO: Representative Christine Kilduff, Prime Sponsor; Diana Stadden, The Arc Of Washington; Cheryl Monk, citizen.

**Persons Signed In To Testify But Not Testifying:** No one.