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**SECOND SUBSTITUTE SENATE BILL 5128**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Ways & Means (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 02/24/23.

1 AN ACT Relating to jury diversity; amending RCW 2.36.095 and  
2 2.36.054; adding a new section to chapter 2.36 RCW; creating a new  
3 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 2.36.095 and 2013 c 246 s 1 are each amended to read  
12 as follows:

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

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

25 **Sec. 4.** RCW 2.36.054 and 2015 c 225 s 1 are each amended to read  
26 as follows:

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

30 (1) The superior court of each county, after consultation with  
31 the county clerk and county auditor of that jurisdiction, shall  
32 annually notify the consolidated technology services agency not later  
33 than March 1st of each year of its election to use either a jury  
34 source list that is merged by the county or a jury source list that  
35 is merged by the consolidated technology services agency. The  
36 consolidated technology services agency shall annually furnish at no  
37 charge to the superior court of each county a separate list of the  
38 registered voters residing in that county as supplied annually by the

1 secretary of state and a separate list of driver's license and  
2 identicard holders residing in that county as supplied annually by  
3 the department of licensing, or a merged list of all such persons  
4 residing in that county, in accordance with the annual notification  
5 required by this subsection. The lists provided by the consolidated  
6 technology services agency shall be in an electronic format mutually  
7 agreed upon by the superior court requesting it and the consolidated  
8 technology services agency. The annual merger of the list of  
9 registered voters residing in each county with the list of licensed  
10 drivers and identicard holders residing in each county to form a jury  
11 source list for each county shall be in accordance with the standards  
12 and methodology established in this chapter or by superseding court  
13 rule whether the merger is accomplished by the consolidated  
14 technology services agency or by a county.

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

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

31 (3) The consolidated technology services agency shall provide  
32 counties that elect to receive a jury source list merged by the  
33 consolidated technology services agency with a list of names which  
34 are possible duplicates that cannot be resolved based on the  
35 identifying information required under subsection (2) of this  
36 section. If a possible duplication cannot subsequently be resolved  
37 satisfactorily through reasonable efforts by the county receiving the

1 merged list, the possible duplicate name shall be stricken from the  
2 jury source list until the next annual jury source list is prepared.

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