

HOUSE BILL REPORT

HB 2394

*As Reported By House Committee on:
Judiciary*

Title: An act relating to jurors.

Brief Description: Establishing limitations for jurors.

Sponsor(s): Representatives Appelwick, Padden and Orr.

Brief History:

Reported by House Committee on:
Judiciary, February 7, 1992, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Margaret Allen (786-7191).

Background: In a survey by the Office of the Administrator for the Courts a year ago, jurors in 17 superior and limited jurisdiction courts were asked to indicate which aspects of jury service created problems during their term of service. Those aspects of jury service receiving the most responses were: interference with work, loss of income, amount of jury fee, travel for jury service, followed closely by care of children or dependents and the length of jury service.

Current law requires jurors to serve for one month, unless the jury term is changed by the court. As compensation, jurors receive a minimum of \$10 and a maximum of \$25 per day, depending on the rate set by the individual county legislative authority. While most courts currently pay \$10, several pay higher per diem rates, ranging from \$15 to \$25. The current statutory fee range was adopted in 1979.

Witnesses in courts of record receive the same per diem and mileage as superior court jurors. Witnesses in any other

court receive the same per diem and mileage as district court jurors.

As for juror qualifications, a general cause for challenge of a potential juror under a current statute is a felony conviction. In comparison, under a different statute, a convicted felon is disqualified to serve as a juror only if his or her civil rights have not been restored.

Summary of Substitute Bill: The act amends several current statutes concerning jurors.

The existing definition of "jury term" is changed to mean the time during which summoned jurors must be available to report for juror service, and to limit a jury term to one month. A new definition, "juror service," is created, limiting the time a juror must be present at the court facility, specifying that the time may not extend beyond the jury term, and may not exceed two weeks except when necessary to complete an ongoing trial.

A policy statement is added regarding maximizing the availability of state residents for jury service, while minimizing the burden on jurors, their families, and employers.

The court is given flexibility in establishing the length and number of jury terms in a consecutive 12-month period, and time of juror service, but the length of each must be consistent with the definitions.

The county clerk is given flexibility in issuing summons, as long as they are issued at least 30 days in advance of the jury term. However, a current statute addressing the need for additional jurors when the jurors drawn for a jury term are insufficient applies when warranted.

Prior jury service during the last two years is removed as a reason for excuse from jury service. At the discretion of the court's designee, after a request by a prospective juror to be excused, an excused juror may be reassigned to another jury term, with no need for a second summons.

When the jury source list has been exhausted, a juror who has served during the previous 12 months may be summoned again. Such a juror may be excused only if he or she served at least two weeks of juror service within the preceding 12 months.

Conviction of a felony is deleted as a general juror challenge, and another statute dealing with juror qualifications is referenced.

Substitute Bill Compared to Original Bill: The definitions in the original bill varied from those in the substitute bill. Provisions regarding the length of time a juror is required to be available and to serve varied as well.

The original bill did not address procedures for summoning jurors or reasons for excusing jurors from jury duty.

However, unlike the substitute bill, the original bill modified existing statutes concerning juror and witness compensation.

Fiscal Note: Available.

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

Testimony For: (Original bill): Most counties still pay a per diem rate of \$10 to jurors, the same rate in effect in 1959. In some counties citizens face the possibility of jury duty for two different governmental entities. The judicial system should avoid imposing too much on jurors' time and should compensate them.

Testimony Against: None.

Witnesses: Grant Meiner, Clallam County Superior Court Judge (supports); and Jim Goche, Washington Association of County Officials (supports).