

HOUSE BILL REPORT

HB 2945

*As Reported By House Committee on:
Judiciary
Appropriations*

Title: An act relating to jury source lists.

Brief Description: Providing for jury source lists.

Sponsor(s): Representatives Wineberry, Padden, Appelwick, Inslee, Paris, Wang and Anderson; by request of Administrator for the Courts.

Brief History:

Reported by House Committee on:
Judiciary, February 7, 1992, DP;
Appropriations, February 10, 1992, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Bill Perry (786-7123).

Background: The jury source list from which jurors are selected consists exclusively of registered voters. This use of voter registration lists as the sole source of jurors has received criticism on at least two grounds. First, it reduces the likelihood that a jury will represent a fair cross section of the community. Second, a significant number of citizens may choose not to register to vote simply to avoid jury duty.

Various groups, including the Washington Judicial Council and the Commission on Washington Courts, have recommended expansion of the jury source list. One recommended addition is to include persons with Department of Licensing (DOL) issued drivers' licenses or identicards. The merging of lists of licensed drivers and identicard holders with lists of registered voters requires care to avoid double counting

and other problems. At least nine other states have merged these lists to compile their jury source lists.

In 1991, legislation was enacted to require development of a merged jury source list. A group of public and semi-public agencies was directed to prepare a plan for the merging of the lists of registered voters and licensed drivers and identicard holders in order to compile a jury source list. The group consists of:

- o the Office of the Administrator for the Courts;
- o the Superior Court Judges Association;
- o the District and Municipal Court Judges Association;
- o the Association of County Clerks;
- o the Office of Financial Management;
- o the Secretary of State's Office;
- o the Association of County Auditors;
- o the Department of Licensing;
- o the State Bar Association;
- o the Association of Superior Court Administrators; and
- o the Association for Court Administration.

The plan and proposed legislation were to be submitted to the Legislature by January 1992. The plan was to be designed for implementation by January 1, 1993.

The committee formed pursuant to the 1991 legislation has presented its recommendations to the Legislature. The committee has concluded that it is not possible to meet the January 1, 1993 target date for implementation of an expanded jury source list. One significant obstacle to early implementation is the lack of a suitable common identifier to prevent duplicate inclusions of the same person on two lists, thus jeopardizing the randomness required in jury selection.

The best common identifier would be social security numbers. However, current federal law does not permit the use of social security numbers in this way. Federal legislation is pending to allow use of the numbers. Birth date information, which is reliable on DOL licenses could be an effective common identifier if it were also reliably recorded on voter registrations. A survey has indicated that date of birth information is available on only about 70 percent of voter registrations. County auditors have indicated that nearly all voter registrations could include date of birth information in an electronically transferable form by February 1, 1994.

The jury source list expansion committee recommends a July 1, 1994 implementation date for merging jury source lists.

Summary of Bill: A task force is created to develop and recommend methodology and standards for merging lists of registered voters, licensed drivers, and identicard holders into a single expanded jury source list. The task force consists of the same membership as the jury source list committee created by 1991 legislation, except that the Office of Financial Management is replaced by the Department of Information Services (DIS). The task force is to report its recommendation to the Supreme Court and the Legislature by November 2, 1992, and is to make a final evaluation of the implementation of the expanded source list by January 15, 1996.

The Supreme Court is requested to adopt rules incorporating the task force recommendations on methodology and standards by February 1, 1993. In lieu of court rules, the Legislature may enact legislation. An expanded source list is to be available to courts by July 1, 1994.

DIS is to receive the secretary of state's voter registration list and DOL's driver license and identicard lists. The superior court of each county may choose annually whether to use a merged list supplied by DIS or to merge its own county voter registration list with a list of DOL licensees supplied by DIS. In either case, the list is to be supplied at no cost to the county and in an electronic format specified by the requesting superior court.

The secretary of state is directed to reimburse counties for the costs resulting directly from standardizing any information necessary to implement the expanded jury source list.

Fiscal Note: Not requested.

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

Appropriation: Unspecified appropriations are made to DOL, DIS, and the Secretary of State's Office.

Testimony For: The bill will help meet the goal of insuring that jury pools are both representative and inclusive. The bill will also remove one disincentive to registering to vote since an unregistered person cannot avoid jury duty if he or she has a driver's license or identicard. The July 1, 1994 implementation is necessary to insure adequate preparation. Other states have had unfortunate results from implementing these programs too quickly.

Testimony Against: None.

Witnesses: (All in favor): Doug Tuffley, Washington State Bar Association; Steve Ross, Washington Association of Criminal Defense Lawyers and Washington Defender Association; Don Whiting, Secretary of State's Office; Michele Radosevich, Washington State Trial Lawyers Association; and Grant Meiner, Clallam County Superior Court.

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 27 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Carlson; Dorn; Ferguson; Fuhrman; Hine; Lisk; May; Mielke; Nealey; Peery; Pruitt; Rust; D. Sommers; H. Sommers; Sprengle; Valle; and Wang.

Staff: Nancy Stevenson (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Judiciary: The unspecified appropriations are deleted. The provision for the secretary of state to reimburse counties for costs in standardizing data is null and void unless funding is provided in the supplemental budget.

Fiscal Note: Requested February 10, 1992.

Appropriation: Removed.

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

Testimony For: Implementing the bill will increase available jury pools in a workable time frame.

Testimony Against: None.

Witnesses: Gilbert Austin, Office of the Administrator for the Courts.