

SENATE BILL REPORT

SB 5356

AS OF FEBRUARY 15, 1991

Brief Description: Informing jurors of their right to return a just verdict.

SPONSORS: Senators Metcalf and Rasmussen.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Carlson (786-7418)

Hearing Dates: February 18, 1991

BACKGROUND:

Prior to deliberating on a criminal case, the judge instructs a jury that it is their duty to determine the facts in the case from the evidence produced in court. The jury is also advised that they must accept the law from the court, regardless of what they personally believe the law is or ought to be. The jury is instructed to apply the law to the facts and in that way decide the case.

It is suggested that juries should be instructed to judge both the law and the facts in order to determine if justice will be served by applying the law to the defendant.

SUMMARY:

In criminal jury trials in either district or superior court, the court is required to instruct jurors of their natural right to judge both the law and the facts pertaining to the case before them to determine whether justice will be served by applying the law to the defendant.

A specific jury instruction is set forth which advises the jury that if they decide the defendant has broken the law, then they may consider to what extent the defendant's actions have actually caused harm or otherwise violated the juror's sense of right and wrong. The jury may also judge the merits of the law and the wisdom of applying that law to the defendant. Even if the evidence indicates a guilty verdict, the jury has a right to find the defendant innocent.

As part of their oath, jurors must affirm their understanding of these rights. Failure to so instruct the jury is grounds for mistrial. A juror may not be disqualified from serving because he expresses willingness to judge the law.

Appropriation: none

Revenue: none

Fiscal Note: none requested