

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2394

52nd Legislature
1992 Regular Session

Passed by the House February 13, 1992
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 5, 1992
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2394 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2394

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Judiciary (originally sponsored by
Representatives Appelwick, Padden and Orr)

Read first time 02/07/92.

1 AN ACT Relating to jurors; and amending RCW 2.36.010, 2.36.080,
2 2.36.093, 2.36.095, 2.36.100, and 4.44.160.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 2.36.010 and 1988 c 188 s 2 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise the definitions in
7 this section apply throughout this chapter.

8 (1) A jury is a body of persons temporarily selected from the
9 qualified inhabitants of a particular district, and invested with
10 power--

11 (a) To present or indict a person for a public offense.

12 (b) To try a question of fact.

1 (2) "Court" when used without further qualification means any
2 superior court or court of limited jurisdiction in the state of
3 Washington.

4 (3) "Judge" means every judicial officer authorized to hold or
5 preside over a court. For purposes of this chapter "judge" does not
6 include court commissioners or referees.

7 (4) "Juror" means any person summoned for service on a petit jury,
8 grand jury, or jury of inquest as defined in this chapter.

9 (5) "Grand jury" means those twelve persons impaneled by a superior
10 court to hear, examine, and investigate evidence concerning criminal
11 activity and corruption.

12 (6) "Petit jury" means a body of persons twelve or less in number
13 in the superior court and six in number in courts of limited
14 jurisdiction, drawn by lot from the jurors in attendance upon the court
15 at a particular session, and sworn to try and determine a question of
16 fact.

17 (7) "Jury of inquest" means a body of persons six or fewer in
18 number, but not fewer than four persons, summoned before the coroner or
19 other ministerial officer, to inquire of particular facts.

20 (8) "Jury source list" means the list of all registered voters for
21 any county, as compiled by each county auditor pursuant to the
22 provisions of chapter 29.07 RCW. The list shall specify each voter's
23 name, residence address, and precinct as shown on the original
24 registration card of each qualified voter. The list shall be filed
25 with the superior court by the county auditor.

26 (9) "Master jury list" means the list of prospective jurors from
27 which jurors summoned to serve will be randomly selected. The master
28 jury list shall be either randomly selected from the jury source list
29 or may be an exact duplicate of the jury source list.

1 (10) "Jury term" means (~~the period of time a person is required to~~
2 ~~serve as a juror. A jury term shall begin on the first Monday of each~~
3 ~~month and shall end on the Saturday immediately preceding the first~~
4 ~~Monday of each month, unless changed by the court. A jury term may be~~
5 ~~extended by the court if necessary for the administration of justice))
6 a period of time of one or more days, not exceeding one month, during
7 which summoned jurors must be available to report for juror service.~~

8 (11) "Juror service" means the period of time a juror is required
9 to be present at the court facility. This period of time may not
10 extend beyond the end of the jury term, and may not exceed two weeks,
11 except to complete a trial to which the juror was assigned during the
12 two-week period.

13 (~~(11))~~ (12) "Jury panel" means those persons randomly selected
14 for jury service for a particular jury term.

15 **Sec. 2.** RCW 2.36.080 and 1979 ex.s. c 135 s 2 are each amended to
16 read as follows:

17 (1) It is the policy of this state that all persons selected for
18 jury service be selected at random from a fair cross section of the
19 population of the area served by the court, and that all qualified
20 citizens have the opportunity in accordance with this 1979 act to be
21 considered for jury service in this state and have an obligation to
22 serve as jurors when summoned for that purpose.

23 (2) It is the policy of this state to maximize the availability of
24 residents of the state for jury service. It also is the policy of this
25 state to minimize the burden on the prospective jurors, their families,
26 and employers resulting from jury service. The jury term and jury
27 service should be set at as brief an interval as is practical given the
28 size of the jury source list for the judicial district. The optimal

1 jury term is two weeks or less. Optimal juror service is one day or
2 one trial, whichever is longer.

3 (3) A citizen shall not be excluded from jury service in this state
4 on account of race, color, religion, sex, national origin, or economic
5 status.

6 ~~((+3))~~ (4) This section does not affect the right to peremptory
7 challenges under RCW 4.44.130.

8 **Sec. 3.** RCW 2.36.093 and 1988 c 188 s 8 are each amended to read
9 as follows:

10 (1) At such time as the judge or judges of any court of any county
11 shall deem that the public business requires a jury term to be held,
12 the judge or judges shall direct that a jury panel be selected and
13 summoned to serve for the ensuing jury term or terms.

14 (2) The court shall establish the length and number of jury terms
15 in a consecutive twelve-month period, and shall establish the time of
16 juror service consistent with the provisions of RCW 2.36.010.

17 **Sec. 4.** RCW 2.36.095 and 1990 c 140 s 1 are each amended to read
18 as follows:

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

26 (2) In courts of limited jurisdiction summons shall be issued by
27 the court. Upon the agreement of the courts, the county clerk may

1 summon jurors for any and all courts in the county or judicial
2 district.

3 **Sec. 5.** RCW 2.36.100 and 1988 c 188 s 10 are each amended to read
4 as follows:

5 (1) Except for a person who is not qualified for jury service under
6 RCW 2.36.070, no person may be excused from jury service by the court
7 except upon a showing of undue hardship, extreme inconvenience, public
8 necessity, ((prior jury service once in the last two years,)) or any
9 reason deemed sufficient by the court for a period of time the court
10 deems necessary.

11 (2) At the discretion of the court's designee, after a request by
12 a prospective juror to be excused, a prospective juror excused from
13 juror service for a particular time may be assigned to another jury
14 term within the twelve-month period. If the assignment to another jury
15 term is made at the time a juror is excused from the jury term for
16 which he or she was summoned, a second summons under RCW 2.36.095 need
17 not be issued.

18 (3) When the jury source list has been fully summoned within a
19 consecutive twelve-month period and additional jurors are needed,
20 jurors who have already served during the consecutive twelve-month
21 period may be summoned again for service. A juror who has previously
22 served may only be excused if he or she served at least two weeks of
23 juror service within the preceding twelve months. An excuse for prior
24 service shall be granted only upon the written request of the
25 prospective juror, which request shall certify the terms of prior
26 service. Prior jury service may include service in superior court, in
27 a court of limited jurisdiction, in the United States District Court,
28 or on a jury of inquest.

1 **Sec. 6.** RCW 4.44.160 and 1975 1st ex.s. c 203 s 2 are each amended
2 to read as follows:

3 General causes of challenge are:

4 (1) (~~(A conviction for a felony.~~

5 ~~(2))~~) A want of any of the qualifications prescribed (~~(by law)~~) for
6 a juror, as set out in RCW 2.36.070.

7 (~~(3))~~) (2) Unsoundness of mind, or such defect in the faculties of
8 the mind, or organs of the body, as renders him or her incapable of
9 performing the duties of a juror in any action.