

HOUSE BILL REPORT

SHB 1675

As Passed House:

February 28, 2003

Title: An act relating to updating civil trial provisions.

Brief Description: Updating civil trial provisions.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Moeller, McMahan and Kirby).

Brief History:

Committee Activity:

Judiciary: 2/11/03, 2/13/03 [DPS].

Floor Activity:

Passed House: 2/28/03, 96-0.

Brief Summary of Substitute Bill

- Deals with subjects relating to civil trials such as notice of trial, impaneling juries, peremptory challenges, jury deliberations, and verdicts.
- Conforms statutes to court rules and current practice.
- Clarifies or modernizes ambiguous or archaic language.
- Consolidates multiple provisions.
- Eliminates gender specific references.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Bill Perry (786-7123).

Background:

A chapter of the RCW deals with procedures for civil trials. Many of the provisions in this chapter have not been amended in more than 100 years. Many of the provisions have parallels or complements in the court rules. The sections in this chapter cover subjects such as notice of trial, impaneling juries, peremptory challenges, jury deliberations, and verdicts.

Summary of Substitute Bill:

Various sections of the chapter in the RCW dealing with civil trial procedures are amended. Changes are made to update sections in light of modern court rules and courtroom practices. Some provisions are consolidated. Some provisions are amended to replace or remove ambiguous or archaic language. Grammatical corrections are made and gender specific references are eliminated.

Examples of the changes made include:

- An 1893 statute is amended to require a party to give the court clerk at least five days (instead of three days) notice before the day when scheduling is to be done that will set a trial date for the cause of action. This change is consistent with current court rules.
- A provision dealing with impaneling juries is clarified to make it explicit that selection of jurors "at random" applies only to selection *of* a panel of jurors from persons summoned for jury duty, and not to the selection *from* that panel of individual jurors who will hear the case.
- An 1881 statute dealing with peremptory challenges of prospective jurors is amended. A limitation on challenges that currently apparently applies only to plaintiffs is made applicable to any party in a case. Other changes are made to accommodate differing practices among courts regarding the number of potential jurors that are considered at any one time for jury selection by the parties and that are therefore subject to peremptory challenges at any one time.
- An 1881 statute dealing with challenges during jury selection is amended to reflect modern court reporter practices regarding record keeping.
- An 1881 statute is amended to remove the apparent authority (or duty) of a judge to deprive a jury of food and drink ("except water") during its deliberations.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill will update and modernize provisions that have not been

amended in more than 100 years. The bill conforms language to modern practices and court needs.

Testimony Against: None.

Testified: (In support) Representative Moeller, prime sponsor; and Leonard Costello, Superior Court Judges Association.

(Comments) Rick Neidhardt, Office of the Administrator for the Courts.