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SENATE BILL 5084

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Stevens, Swecker, Mulliken and Honeyford

Read first time 01/15/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to selection of jurors; amending RCW 2.36.010,  
2 2.36.054, 2.36.055, 2.36.065, and 2.36.070; and repealing RCW 2.36.057  
3 and 2.36.0571.

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

5            **Sec. 1.** RCW 2.36.010 and 1993 c 408 s 4 are each amended to read  
6 as follows:

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

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

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

13            (b) To try a question of fact.

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

17            (3) "Judge" means every judicial officer authorized to hold or

1 preside over a court. For purposes of this chapter "judge" does not  
2 include court commissioners or referees.

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

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

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

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

16 (8) "Jury source list" means the list of all registered voters for  
17 any county(~~(, merged with a list of licensed drivers and identicard~~  
18 ~~holders who reside in the county)~~). The list shall specify each  
19 person's name and residence address and conform to the methodology and  
20 standards set pursuant to the provisions of RCW 2.36.054 or by supreme  
21 court rule. The list shall be filed with the superior court by the  
22 county auditor.

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

27 (10) "Jury term" means a period of time of one or more days, not  
28 exceeding one month, during which summoned jurors must be available to  
29 report for juror service.

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

35 (12) "Jury panel" means those persons randomly selected for jury  
36 service for a particular jury term.

1       **Sec. 2.** RCW 2.36.054 and 1993 c 408 s 3 are each amended to read  
2 as follows:

3       Unless otherwise specified by rule of the supreme court, the jury  
4 source list and master jury list for each county shall be created as  
5 provided by this section.

6       ~~(1) ((The superior court of each county, after consultation with~~  
7 ~~the county clerk and county auditor of that jurisdiction, shall~~  
8 ~~annually notify the department of information services not later than~~  
9 ~~March 1 of each year of its election to use either a jury source list~~  
10 ~~that is merged by the county or a jury source list that is merged by~~  
11 ~~the department of information services.))~~       The department of  
12 information services shall annually furnish at no charge to the  
13 superior court of each county a ~~((separate))~~ list of the registered  
14 voters residing in that county as supplied annually by the secretary of  
15 state ~~((and a separate list of driver's license and identicard holders~~  
16 ~~residing in that county as supplied annually by the department of~~  
17 ~~licensing, or a merged list of all such persons residing in that~~  
18 ~~county, in accordance with the annual notification required by this~~  
19 ~~subsection)).~~ The list~~((s))~~ provided by the department of information  
20 services shall be in an electronic format mutually agreed upon by the  
21 superior court requesting it and the department of information  
22 services.       The ~~((annual merger of the list of registered voters~~  
23 ~~residing in each county with the list of licensed drivers and~~  
24 ~~identicard holders residing in each county to form))~~ formation of a  
25 jury source list for each county shall be in accordance with the  
26 standards and methodology established in this chapter or by superseding  
27 court rule ~~((whether the merger is accomplished by the department of~~  
28 ~~information services or by a county)).~~

29       (2) Persons on the lists of registered voters ~~((and driver's~~  
30 ~~license and identicard holders))~~ shall be identified by a minimum of  
31 last name, first name, middle initial where available, date of birth,  
32 gender, and county of residence. ~~((Identifying information shall be~~  
33 ~~used when merging the lists to ensure to the extent reasonably possible~~  
34 ~~that persons are only listed once on the merged list. Conflicts in~~  
35 ~~addresses are to be resolved by using the most recent record by date of~~  
36 ~~last vote in a general election, date of driver's license or identicard~~  
37 ~~address change or date of voter registration.~~

1       ~~(3) The department of information services shall provide counties~~  
2 ~~that elect to receive a jury source list merged by department of~~  
3 ~~information services with a list of names which are possible duplicates~~  
4 ~~that cannot be resolved based on the identifying information required~~  
5 ~~under subsection (2) of this section. If a possible duplication cannot~~  
6 ~~subsequently be resolved satisfactorily through reasonable efforts by~~  
7 ~~the county receiving the merged list, the possible duplicate name shall~~  
8 ~~be stricken from the jury source list until the next annual jury source~~  
9 ~~list is prepared.))~~

10       **Sec. 3.** RCW 2.36.055 and 1993 c 408 s 5 are each amended to read  
11 as follows:

12       The superior court at least annually shall cause a jury source list  
13 to be compiled from a list of all registered voters (~~and a list of~~  
14 ~~licensed drivers and identicard holders~~) residing in the county.

15       The superior court upon receipt of the jury source list shall  
16 compile a master jury list. The master jury list shall be certified by  
17 the superior court and filed with the county clerk. All previous jury  
18 source lists and master jury lists shall be superseded. In the event  
19 that, for any reason, a county's jury source list is not timely created  
20 and available for use at least annually, the most recent previously  
21 compiled jury source list for that county shall be used by the courts  
22 of that county on an emergency basis only for the shortest period of  
23 time until a current jury source list is created and available for use.

24       Upon receipt of amendments to the list of registered voters (~~and~~  
25 ~~licensed drivers and identicard holders~~) residing in the county the  
26 superior court may update the jury source list and master jury list as  
27 maintained by the county clerk accordingly.

28       **Sec. 4.** RCW 2.36.065 and 1993 c 408 s 7 are each amended to read  
29 as follows:

30       It shall be the duty of the judges of the superior court to ensure  
31 continued random selection of the master jury list and jury panels(~~(~~  
32 ~~which shall be done without regard to whether a person's name~~  
33 ~~originally appeared on the list of registered voters, or on the list of~~  
34 ~~licensed drivers and identicard holders, or both~~)). The judges shall  
35 review the process from time to time and shall cause to be kept on file

1 with the county clerk a description of the jury selection process. Any  
2 person who desires may inspect this description in (~~said~~) the county  
3 clerk's office.

4 Nothing in this chapter shall be construed as requiring uniform  
5 equipment or method throughout the state, so long as fair and random  
6 selection of the master jury list and jury panels is achieved.

7 **Sec. 5.** RCW 2.36.070 and 1988 c 188 s 7 are each amended to read  
8 as follows:

9 A person shall be competent to serve as a juror in the state of  
10 Washington unless that person:

11 (1) Is less than eighteen years of age;

12 (2) Is not a citizen of the United States;

13 (3) Is not a resident of the county in which he or she has been  
14 summoned to serve;

15 (4) Is not a registered voter of the county in which he or she has  
16 been summoned to serve;

17 (5) Is not able to communicate in the English language; or

18 (~~(+5)~~) (6) Has been convicted of a felony and has not had his or  
19 her civil rights restored.

20 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each  
21 repealed:

22 (1) RCW 2.36.057 (Expanded jury source list--Court rules) and 1993  
23 c 408 s 1; and

24 (2) RCW 2.36.0571 (Jury source list--Master jury list--Adoption of  
25 rules for implementation of methodology and standards by agencies) and  
26 1993 c 408 s 2.

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