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**SUBSTITUTE SENATE BILL 5128**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman, and C. Wilson; by request of Administrative Office of the Courts)

AN ACT Relating to jury diversity; amending RCW 2.36.150, 35.20.090, 2.36.095, and 2.36.054; adding a new section to chapter 2.36 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec.**  A new section is added to chapter 2.36 RCW to read as follows:

The administrative office of the courts shall provide all courts with a method to collect data on a juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. Data collection must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall publish this demographic data in an annual report to the governor.

NEW SECTION. **Sec.**  (1)(a) The administrative office of the courts shall establish a work group to make recommendations for the creation of a child care assistance program for individuals reporting for jury service.

(b) The purpose of the child care assistance program shall be to eliminate the absence of child care as a barrier to performing jury service.

(2)(a) By December 1, 2024, the administrative office of the courts shall report the work group findings and recommendations for establishing a child care assistance program to the appropriate committees of the legislature.

(b) The report must outline the planning and implementation of the program and an estimation of the cost.

(3) This section expires December 1, 2024.

**Sec.**  RCW 2.36.150 and 2006 c 372 s 903 are each amended to read as follows:

(1) Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, the following expense payments:

((~~(1)~~)) (a) Grand jurors may receive up to ((~~twenty-five dollars~~)) $25 but in no case less than ((~~ten dollars~~)) $10;

((~~(2)~~)) (b) Petit jurors may receive up to ((~~twenty-five dollars~~)) $25 but in no case less than ((~~ten dollars~~)) $10;

((~~(3)~~)) (c) Coroner's jurors may receive up to ((~~twenty-five dollars~~)) $25 but in no case less than ((~~ten dollars~~)) $10;

((~~(4)~~)) (d) District court jurors may receive up to ((~~twenty-five dollars~~)) $25 but in no case less than ((~~ten dollars~~)) $10:

PROVIDED, That a person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances: PROVIDED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution: PROVIDED FURTHER, That the expense payments paid to jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

((~~For the fiscal year ending June 30, 2007, jurors participating in pilot projects in superior, district, and municipal courts may receive juror fees of up to sixty-two dollars for each day of attendance in addition to mileage reimbursement at the rate determined under RCW 43.03.060.~~))

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, jurors who qualify for a means-tested state-run benefits program, including supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), or women, infants, and children nutrition program (WIC), shall receive $125 for each day's attendance, provided that their employer does not pay the juror their regular wages or salary while performing jury service.

(b) If an employer does pay employees qualifying for a means-tested state-run benefits program their regular wage or salary while performing jury service, but that wage is less than $125 per day, then the county shall, subject to the availability of amounts appropriated for this specific purpose, pay the juror the difference between their normal wage or salary and $125 for each day's attendance.

**Sec.**  RCW 35.20.090 and 1987 c 202 s 195 are each amended to read as follows:

(1) In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror may receive up to ((~~twenty-five dollars~~)) $25 but in no case less than ((~~ten dollars~~)) $10 for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, jurors who qualify for a means-tested state-run benefits program, including supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), or women, infants, and children nutrition program (WIC), shall receive $125 for each day's attendance, provided that their employer does not pay the juror their regular wage or salary while performing jury service.

(b) If an employer does pay employees qualifying for a means-tested state-run benefits program their regular wage or salary while performing jury service, but that wage is less than $125 per day, the city, subject to the availability of amounts appropriated for this specific purpose, shall pay the juror the difference between their normal wage or salary and $125 for each day's attendance.

**Sec.**  RCW 2.36.095 and 2013 c 246 s 1 are each amended to read as follows:

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

(2) In courts of limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the county clerk may summon jurors for any and all courts in the county or judicial district.

**Sec.**  RCW 2.36.054 and 2015 c 225 s 1 are each amended to read as follows:

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

(1) The superior court of each county, after consultation with the county clerk and county auditor of that jurisdiction, shall annually notify the consolidated technology services agency not later than March 1st of each year of its election to use either a jury source list that is merged by the county or a jury source list that is merged by the consolidated technology services agency. The consolidated technology services agency shall annually furnish at no charge to the superior court of each county a separate list of the registered voters residing in that county as supplied annually by the secretary of state and a separate list of driver's license and identicard holders residing in that county as supplied annually by the department of licensing, or a merged list of all such persons residing in that county, in accordance with the annual notification required by this subsection. The lists provided by the consolidated technology services agency shall be in an electronic format mutually agreed upon by the superior court requesting it and the consolidated technology services agency. The annual merger of the list of registered voters residing in each county with the list of licensed drivers and identicard holders residing in each county to form a jury source list for each county shall be in accordance with the standards and methodology established in this chapter or by superseding court rule whether the merger is accomplished by the consolidated technology services agency or by a county.

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

(b) Starting January 1, 2024, persons on the lists of registered voters and driver's license and identicard holders shall have the ability to opt in to the secretary of state and department of licensing sharing their email address with the consolidated technology services agency for the purposes of electronically receiving jury summons and other communication related to jury service.

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

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