CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE SENATE BILL 5128**

68th Legislature

2023 Regular Session

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| Passed by the Senate April 14, 2023Yeas 34 Nays 12**President of the Senate**Passed by the House April 7, 2023Yeas 89 Nays 8**Speaker of the House of Representatives** | CERTIFICATEI, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5128** as passed by the Senate and the House of Representatives on the dates hereon set forth.Secretary |
| Approved  |  |
| **Governor of the State of Washington** | **Secretary of State** **State of Washington** |

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**SECOND SUBSTITUTE SENATE BILL 5128**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

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

**By** Senate Ways & Means (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 2.36.095 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 2.36.095 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) After July 1, 2024, persons who:

(i) Apply for a driver's license or identicard in this state shall have the ability to opt in to allow the department of licensing to share the person's email address with the consolidated technology services agency for the purpose of electronically receiving jury summons and other communications related to jury service; and

(ii) Apply online to the register to vote shall, immediately after completing the voter registration transaction, be directed by the secretary of state to a website where the person shall have the ability to opt in to share the person's email address with the consolidated technology services agency for the purpose of electronically receiving jury summons and other communications related to jury service. The provisions of the subsection (2)(b)(ii) are subject to appropriation.

(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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