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**SENATE BILL 5128**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman, and C. Wilson; by request of Administrative Office of the Courts

Prefiled 01/03/23. Read first time 01/09/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to jury diversity; amending RCW 2.36.150,  
2 2.36.095, and 2.36.054; adding a new section to chapter 2.36 RCW;  
3 creating a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.36 RCW  
6 to read as follows:

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

15 NEW SECTION. **Sec. 2.** (1)(a) The administrative office of the  
16 courts shall establish a work group to make recommendations for the  
17 creation of a child care assistance program for individuals reporting  
18 for jury service.

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

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

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

10 (3) This section expires December 1, 2024.

11 **Sec. 3.** RCW 2.36.150 and 2006 c 372 s 903 are each amended to  
12 read as follows:

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

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

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

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

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

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

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

1 (2) (a) Jurors who qualify for a means-tested state-run benefits  
2 program, including supplemental nutrition assistance program (SNAP),  
3 temporary assistance for needy families (TANF), or women, infants and  
4 children nutrition program (WIC), shall receive \$125 for each day's  
5 attendance, provided that their employer does not pay the juror their  
6 regular wages or salary while performing jury service.

7 (b) If an employer does pay employees qualifying for a means-  
8 tested state-run benefits program their regular wage or salary while  
9 performing jury service, but that wage is less than \$125 per day,  
10 then the county shall pay the juror the difference between their  
11 normal wage or salary and \$125 for each day's attendance.

12 **Sec. 4.** RCW 2.36.095 and 2013 c 246 s 1 are each amended to read  
13 as follows:

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

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

26 **Sec. 5.** RCW 2.36.054 and 2015 c 225 s 1 are each amended to read  
27 as follows:

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

31 (1) The superior court of each county, after consultation with  
32 the county clerk and county auditor of that jurisdiction, shall  
33 annually notify the consolidated technology services agency not later  
34 than March 1st of each year of its election to use either a jury  
35 source list that is merged by the county or a jury source list that  
36 is merged by the consolidated technology services agency. The  
37 consolidated technology services agency shall annually furnish at no  
38 charge to the superior court of each county a separate list of the

1 registered voters residing in that county as supplied annually by the  
2 secretary of state and a separate list of driver's license and  
3 identicard holders residing in that county as supplied annually by  
4 the department of licensing, or a merged list of all such persons  
5 residing in that county, in accordance with the annual notification  
6 required by this subsection. The lists provided by the consolidated  
7 technology services agency shall be in an electronic format mutually  
8 agreed upon by the superior court requesting it and the consolidated  
9 technology services agency. The annual merger of the list of  
10 registered voters residing in each county with the list of licensed  
11 drivers and identicard holders residing in each county to form a jury  
12 source list for each county shall be in accordance with the standards  
13 and methodology established in this chapter or by superseding court  
14 rule whether the merger is accomplished by the consolidated  
15 technology services agency or by a county.

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

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

32 (3) The consolidated technology services agency shall provide  
33 counties that elect to receive a jury source list merged by the  
34 consolidated technology services agency with a list of names which  
35 are possible duplicates that cannot be resolved based on the  
36 identifying information required under subsection (2) of this  
37 section. If a possible duplication cannot subsequently be resolved  
38 satisfactorily through reasonable efforts by the county receiving the

1 merged list, the possible duplicate name shall be stricken from the  
2 jury source list until the next annual jury source list is prepared.

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