

# SENATE BILL REPORT

## HB 1312

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As Reported by Senate Committee On:  
Law & Justice, March 22, 2023

**Title:** An act relating to allowing persons who are 70 years of age or older to opt out of juror service.

**Brief Description:** Concerning jury service.

**Sponsors:** Representatives Rude, Entenman, Goodman, Ortiz-Self and Ormsby.

**Brief History:** Passed House: 2/8/23, 96-0.

**Committee Activity:** Law & Justice: 3/08/23, 3/22/23 [DPA].

### Brief Summary of Amended Bill

- Allows a person who is at least 80 years old to opt out of jury service by attesting they are unable to serve due to health reasons.
- Requires courts to develop attestation forms.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

**Staff:** Kevin Black (786-7747)

**Background:** A person is qualified to be a juror if that person is over age 18, a United States citizen, a resident of the county, able to communicate in English, and has not been convicted of a felony for which civil rights have not been restored. Jurors are randomly selected from a master jury list made up of the list of registered voters, licensed drivers, and identicaid holders in each county.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Jury Service. The court sets the length and number of jury terms within a 12-month period, subject to statutory requirements. Jurors are summoned for a jury term, which is the time that a summoned juror must be available to report for jury service. In counties with a jury source list that has at least 70,000 names, the jury term may not exceed two weeks, and the term of juror service may not exceed one week except to complete a trial. In counties with a jury source list that has less than 70,000 names, the jury term may not exceed one month and the term of juror service may not exceed two weeks except to complete a trial.

It is the policy of the state to maximize the availability of residents of the state for jury service, and to minimize the burden from jury service. Statute instructs that the jury term and juror service should be set at as brief an interval as is practical given the size of the jury source list for the judicial district. The optimal jury term is one week or less. Optimal juror service is one day or one trial, whichever is longer.

Excusal From Jury Service. No person may be excused from jury service except upon a showing of undue hardship, extreme inconvenience, public necessity, or any reason deemed sufficient by the court, for a period of time the court deems necessary. A prospective juror excused from juror service for a particular time may be assigned to another jury term. When the jury source list has been fully summoned and additional jurors are needed, jurors who have already served may be summoned again for service. A juror who has previously served may be excused if they served at least one week of juror service within the preceding 12 months.

**Summary of Amended Bill:** A person who is 80 years of age or older may request to be excused from jury service if the person attests they are unable to serve due to health reasons. A court must grant this request, and may not reassign the person to another jury term in the same 12-month period. Courts may not require a doctor's note, and must develop attestation forms.

**EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):**

- Increases the age at which a person may attest they should be excused from jury service from 70 to 80.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on House Bill:** *The committee recommended a*

*different version of the bill than what was heard.* PRO: Some people have long-term medical issues that make jury service problematic. There is no federal standard for administering jury selection. Jury duty is an important service, and it is important to have all demographics represented inside the courtroom. Currently many courts in Washington require a physician's note. With long-term COVID and other issues, having a statutory provision may help judges and prosecutors understand why a 70-year old would opt out of jury duty.

**Persons Testifying:** PRO: Michael Moran, Washington State School Retirees Association.

**Persons Signed In To Testify But Not Testifying:** No one.