
HOUSE BILL 1937

State of Washington

61st Legislature

2009 Regular Session

By Representatives Appleton, Flannigan, and Ormsby; by request of Board For Judicial Administration

Read first time 02/03/09. Referred to Committee on Judiciary.

1 AN ACT Relating to reimbursement by the state for juror expenses;
2 and amending RCW 2.36.150, 3.50.135, and 35.20.090.

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

4 **Sec. 1.** RCW 2.36.150 and 2006 c 372 s 903 are each amended to read
5 as follows:

6 (1) Grand, petit, coroner's, and district court jurors shall
7 receive ((for each day's attendance)), besides mileage at the rate
8 determined under RCW 43.03.060, the following ((expense payments))
9 compensation:

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

12 ~~(2) Petit jurors may receive up to twenty five dollars but in no~~
13 ~~case less than ten dollars;~~

14 ~~(3) Coroner's jurors may receive up to twenty five dollars but in~~
15 ~~no case less than ten dollars;~~

16 ~~(4) District court jurors may receive up to twenty five dollars but~~
17 ~~in no case less than ten dollars;~~

18 ~~PROVIDED, That))~~ (a) For jury service before July 1, 2010, up to

1 twenty-five dollars but in no case less than ten dollars for each day's
2 attendance;

3 (b) For jury service beginning July 1, 2010, and until July 1,
4 2011, up to sixty-five dollars but in no case less than ten dollars for
5 the first day of attendance and up to sixty-five dollars but in no case
6 less than twenty dollars for each day thereafter;

7 (c) For jury service beginning July 1, 2011, and until July 1,
8 2012, up to sixty-five dollars but in no case less than ten dollars for
9 the first day of attendance and up to sixty-five dollars but in no case
10 less than forty dollars for each day thereafter;

11 (d) For jury service beginning July 1, 2012, up to sixty-five
12 dollars but in no case less than ten dollars for the first day of
13 attendance and sixty-five dollars for each day thereafter. Beginning
14 on July 1, 2012, the administrative office of the courts shall annually
15 adjust the maximum amount for the first day of attendance and the
16 amount for subsequent days of attendance for inflation based on changes
17 in the consumer price index during the previous calendar year.
18 "Consumer price index" means, for any calendar year, that year's annual
19 average consumer price index for urban wage earners and clerical
20 workers, all items, compiled by the bureau of labor and statistics,
21 United States department of labor.

22 (2) The juror compensation rates in subsection (1) of this section
23 are subject to the availability of funds specifically appropriated for
24 reimbursement by the state as provided in subsection (4) of this
25 section. If the funds are not appropriated, grand, petit, coroner's,
26 and district court jurors must receive, besides expense payments for
27 mileage at the rate determined under RCW 43.03.060, up to twenty-five
28 dollars but in no case less than ten dollars for each day's attendance.

29 (3) The county is solely responsible for juror compensation for the
30 first day of attendance and for any juror expense payments including
31 mileage. The compensation paid to jurors for the first day of
32 attendance is determined by the county legislative authority and must
33 be uniformly applied within the county.

34 (4) Subject to the availability of funds specifically appropriated
35 therefor, the state shall reimburse the county quarterly for juror
36 compensation required under this section for jury attendance after the
37 first day beginning July 1, 2010. The reimbursement must be based on
38 a rate of twenty dollars per day beginning July 1, 2010, until July 1,

1 2011, forty dollars per day beginning July 1, 2011, until July 1, 2012,
2 and sixty-five dollars per day as adjusted for inflation under
3 subsection (1)(d) of this section beginning July 1, 2012. To receive
4 reimbursement, the county must:

5 (a) Certify to the administrative office of the courts by the first
6 of January of each year for which reimbursement is requested that the
7 county has:

8 (i) Implemented a policy on juror service in which the period of
9 time a juror is required to be present at the court facility may not
10 exceed two days during any jury term, except to complete a trial to
11 which the juror was assigned; and

12 (ii) Complied with any requirements adopted by the board for
13 judicial administration for the management of juries and jurors;

14 (b) Have provided to the administrative office of the courts data,
15 for the most recent calendar year, specified by the board for judicial
16 administration for the calculation of juror yield and juror utilization
17 statistics; and

18 (c) Use forms prescribed by the administrative office of the courts
19 to request reimbursement.

20 (5) A person excused from jury service at his or her own request
21 shall be allowed not more than a per diem and such mileage, if any, as
22 to the court shall seem just and equitable under all circumstances(
23 PROVIDED FURTHER, That)).

24 (6) The state shall fully reimburse the county in which trial is
25 held for all jury fees and witness fees related to criminal cases which
26 result from incidents occurring within an adult or juvenile
27 correctional institution(
28 PROVIDED FURTHER, That the expense
29 payments paid to jurors shall be determined by the county legislative
30 authority and shall be uniformly applied within the county.

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

35 **Sec. 2.** RCW 3.50.135 and 1984 c 258 s 126 are each amended to read
36 as follows:

37 (1) In all civil cases, the plaintiff or defendant may demand a

1 jury, which shall consist of six citizens of the state who shall be
2 impaneled and sworn as in cases before district courts, or the trial
3 may be by a judge of the municipal court: PROVIDED, That no jury trial
4 may be held on a proceeding involving a traffic infraction.

5 (2) A party requesting a jury shall pay to the court a fee which
6 shall be the same as that for a jury in district court. If more than
7 one party requests a jury, only one jury fee shall be collected by the
8 court. The fee shall be apportioned among the requesting parties.

9 (3) Each juror (~~may receive up to twenty five dollars but in no~~
10 ~~case less than ten dollars for each day in attendance upon the~~
11 ~~municipal court~~) shall be compensated at the rates provided in RCW
12 2.36.150(1), and in addition thereto shall receive mileage at the rate
13 determined under RCW 43.03.060(~~PROVIDED, That~~).

14 (4) The juror compensation rates in subsection (3) of this section
15 are subject to the availability of funds specifically appropriated for
16 reimbursement by the state as provided in subsection (5) of this
17 section. If the funds are not appropriated, jurors must receive,
18 besides expense payments for mileage at the rate determined under RCW
19 43.03.060, up to twenty-five dollars but in no case less than ten
20 dollars for each day's attendance.

21 (5) The city is solely responsible for juror compensation for the
22 first day of attendance and for any juror expense payments including
23 mileage. Subject to the availability of funds specifically
24 appropriated therefor, the state shall reimburse the city quarterly for
25 any additional juror compensation required under this section for jury
26 attendance after June 30, 2010. The reimbursement must be based on the
27 same schedule of rates and the city is subject to the same requirements
28 imposed on counties in RCW 2.36.150(4). The compensation paid jurors
29 for the first day of attendance shall be determined by the legislative
30 authority of the city and shall be uniformly applied.

31 (6) Jury trials shall be allowed in all criminal cases unless
32 waived by the defendant.

33 **Sec. 3.** RCW 35.20.090 and 1987 c 202 s 195 are each amended to
34 read as follows:

35 (1) In all civil cases and criminal cases where jurisdiction is
36 concurrent with district courts as provided in RCW 35.20.250, within
37 the jurisdiction of the municipal court, the plaintiff or defendant may

1 demand a jury, which shall consist of six citizens of the state who
2 shall be impaneled and sworn as in cases before district courts, or the
3 trial may be by a judge of the municipal court: PROVIDED, That no jury
4 trial may be held on a proceeding involving a traffic infraction.

5 (2) A defendant requesting a jury shall pay to the court a fee
6 which shall be the same as that for a jury in district court. Where
7 there is more than one defendant in an action and one or more of them
8 requests a jury, only one jury fee shall be collected by the court.

9 (3) Each juror (~~may receive up to twenty five dollars but in no~~
10 ~~case less than ten dollars for each day in attendance upon the~~
11 ~~municipal court~~) shall be compensated at the rates provided in RCW
12 2.36.150(1), and in addition thereto shall receive mileage at the rate
13 determined under RCW 43.03.060(~~PROVIDED, That~~).

14 (4) The juror compensation rates provided for in subsection (3) of
15 this section are subject to the availability of funds specifically
16 appropriated for reimbursement by the state as provided in subsection
17 (5) of this section. If the funds are not appropriated, grand, petit,
18 coroner's, and district court jurors must receive, besides expense
19 payments for mileage at the rate determined under RCW 43.03.060, up to
20 twenty-five dollars but in no case less than ten dollars for each day's
21 attendance.

22 (5) The city is solely responsible for juror compensation for the
23 first day of attendance and for any juror expense payments including
24 mileage. Subject to the availability of funds specifically
25 appropriated therefor, the state shall reimburse the city quarterly for
26 any additional juror compensation required under this section for jury
27 attendance after June 30, 2010. The reimbursement must be based on the
28 same schedule of rates and the city is subject to the same requirements
29 imposed on counties in RCW 2.36.150(4). The compensation paid jurors
30 for the first day of attendance shall be determined by the legislative
31 authority of the city and shall be uniformly applied.

32 (6) Trial by jury shall be allowed in criminal cases involving
33 violations of city ordinances commencing January 1, 1972, unless such
34 incorporated city affected by this chapter has made provision therefor
35 prior to January 1, 1972.

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