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FISCAL IMPACT REPORT

SPONSOR Boitano DATE TYPED 2/9/05 HB _____

SHORT TITLE Expand Jury Service Exemption SB 288

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AGO)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 288 adds three excusals from jury service to the existing statute when the excusal is requested and properly documented. The excusals are:

- Expectant mothers,
- Parent or guardian who is not employed full-time and has custody of a child under six years of age and
- Caregiver for elderly or disabled persons who is scheduled or expected to provide care at the time of required jury service.

Significant Issues

The AOC provided the following:

1. The current jury statute allows courts to excuse any person who has a financial or health-care hardship without creating specific groups who have an automatic excusal. Our trial

system is based on a jury of one's peers. Automatic excusals limit the diversity of the jury based on a group of persons, not the person's actual ability to serve.

2. An excusal of a parent or guardian who does not work full-time and has custody of a child under six may be too broad. As drafted, any stay-at-home parent of a child under six could be excused, even if care is readily available.
3. Excusals for a caregiver of the elderly or disabled who is scheduled or expected to provide care may also be too broad. As drafted, any healthcare employee who works with the elderly or disabled could be excused from jury service.

FISCAL IMPLICATIONS

Automatic excusals may increase the total number of jury summonses that must be executed and could increase the average cost per juror as fewer jurors summoned actually serve.

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. This change to the jury statute has the potential to increase the workload of courts, thus requiring additional resources to handle the increase.

ADMINISTRATIVE IMPLICATIONS

The courts will have a smaller percentage of jury summonses successfully executed and more will need to be sent.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with exemption provisions in SB 64, Create Lengthy Trial Fund.

OTHER SUBSTANTIVE ISSUES

The AGO states the following:

The bill will reduce the total number of people available for local jury pools. Many districts have low turnout rates for jury pools. By further reducing the number of available jurors even, for such justifiable reasons, it may place an added burden on the remainder of the pool.

The process currently gives discretion to local judges to excuse prospective jurors and to examine them. In reality, jurors are often excused for the reasons stated in this bill.

DW/yr