

CHAPTER 57.

[H. B. 118.]

RELATING TO SERVICE OF JURORS IN SUPERIOR COURTS.

AN ACT relating to the selection, exemption and service of jurors in the superior courts of the State of Washington, and repealing chapter 73 of the Session Laws of 1909.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. No person shall be competent to serve as a juror in the superior courts of the State of Washington unless he be (1) an elector and taxpayer of the state, (2) a resident of the county in which he is called for service for more than one year preceding such time, (3) over twenty-one years of age, (4) in full possession of his faculties and of sound mind, (5) able to read and write the English language.

[Superseding §94, Rem.-Bal.]

Qualifications.

SEC. 2. Officers of the United States and of the state, attorneys at law, school teachers, practising physicians, licensed embalmers, active members of the fire and police departments of any municipality, women, and all persons over sixty years of age, shall not be compelled to serve as jurors; and in preparing jury lists, the names of such persons, other than women and persons over sixty years of age, shall, if it be known that they are entitled to be excused from jury service, be omitted from the jury list: *Provided, however,* That the right of any such person to be excused from jury service shall not be cause for challenge as to his competency if he desires to serve: *Provided further,* That any woman desiring to be excused from jury service may claim exemption by signing a written or printed notice thereof and returning same to the sheriff before the date for appearance, and if exemption is claimed by reason of sex, no fee shall be allowed for her appearance. And it shall be the duty of the person serving any summons for jury service to inform the person served of this provision.

[Superseding §98, Rem.-Bal.—see note to that section. This section also modifies §§ 89-93 in so far as a jury is defined to be "a body of men."]

Persons exempt.

SEC. 3. Upon the taking effect of this act, the judge or judges of the superior court of each county in this state

shall divide the county into not less than three nor more than six jury districts, following the lines of voting precincts and arranging the districts in such manner that the population in each district shall be as nearly equal as may be, and the fixing of the boundaries of the district shall be evidenced by an order made by the court and entered upon its records. During the month of July of each year the county clerk of each county in the state shall make up a jury list containing the names of all the qualified jurors in the county, so far as he may be able to ascertain the same from the latest tax rolls and poll books of the county or from any other official sources of information and shall ascertain so far as possible the voting precinct and place of residence of each juror and if these can not be ascertained, the school district in which he lives. He shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and having written the names of the jurors in each district upon slips of paper, which shall be similar in size, quality of paper, and writing, and shall deposit such slips in the jury box of the proper district. The jury list shall be revised from year to year, new lists being made up each year, adding thereto the names of new residents, and omitting therefrom the names of persons who may have removed from the county, or who may have served as jurors within five years theretofore (unless they shall be necessary to make up a sufficient list) and the names of the new list shall be deposited in the box for service for that year, as hereinbefore provided.

[Superseding
§ 101.
Rem.-Bal.]

Jury list.

List
revised
yearly.

SEC. 4. Jury terms shall commence on the first Monday of each month, and shall end on the Saturday preceding the first Monday of each month, unless the day of commencing or ending said term be changed by order of the judge or judges of the superior court; but it shall not be necessary to call a jury for any term in any county unless the judge or judges of the superior court of that county shall consider that there is sufficient business to be submitted to a jury to require that one be called. When the

[Superseding
 §§102, 103,
 Rem.-Bal.]

Terms.

Clerk
to draw
jury.

[This part
supersedes
§ 103,
Rem.-Bal.]

Manner of
drawing.

[Superseding
§ 104,
Rem.-Bal.]

Grand jurors.

[Superseding
§ 109,
Rem.-Bal.]

Additional
names.

judge or judges of the superior court of any county shall deem that the public business requires a jury term to be held, he or they shall require the county clerk to draw a jury to serve for the ensuing term, and the county clerk, on the second Saturday of the calendar month preceding the month on which the jury is to be called to serve, shall be blindfolded, and in the presence of the judge or judges or of a court commissioner of the superior court, shall draw from the jury boxes such number of names as the judge or judges may have ordered to be summoned as jurors for the ensuing term. The names shall be drawn in equal numbers from each jury box, and before the drawing is made the boxes shall be shaken up so that the slips bearing the names thereon may be thoroughly mixed, and the drawing of the slips shall depend purely upon chance.

SEC. 5. Whenever the judge or judges of the superior court of any county in the state shall desire to summon a grand jury, the names of persons to serve as grand jurors shall be drawn from the jury list, as hereinbefore provided: *Provided, however,* That the names of the persons who shall serve as grand jurors shall not be stricken from the jury list, and such service shall not excuse them from service upon petit juries, as though they had not been summoned upon the grand jury.

SEC. 6. If for any reason the jurors drawn for service upon a petit jury for any term shall not be sufficient to dispose of the pending jury business, or where no jury is in regular attendance and the business of the court may require the attendance of a jury before a regular term, the judge or judges of the superior court may draw from the jury list such additional names as they may consider necessary, and the persons whose names are so drawn shall thereupon be summoned to serve as jurors forthwith. The judge or judges drawing such additional names, may, in his or their discretion, order and direct that, of such additional jurors, only those living nearest to the county seat or most conveniently reached and found shall be at first summoned by the sheriff, and at any time when a

sufficiency of such persons has been summoned and produced in court, such judge or judges may, in his or their discretion, order and direct the sheriff not to summon the remainder of the additional jurors so drawn. By stipulation or agreement made in open court as a part of the record, the parties to any action may agree that an open venire may be issued to make up a jury in that action, and upon order of the court approving such stipulation and directing the number of jurors to be drawn, the clerk shall issue an open venire, and the sheriff shall fill the same by summoning from the bystanders, or elsewhere, a sufficient number of persons to fill the open venire.

Open venire.

SEC. 7. A person summoned as a juror may be excused from acting as such on account of any of the reasons stated in section 2 hereof; when his own health requires; on account of death in his family, or of illness in his family of such character that he is required to be in attendance thereupon, or when his business interests would be seriously prejudiced by such service. No person, however, shall be excused from service as a juror on account of business reasons unless his service is such as would lead to the waste or destruction of his property; and unless it shall appear that after having been summoned as a juror he had made every reasonable effort to permit of his serving as a juror without causing waste or destruction of his property. When excused for any of the foregoing reasons, or for any reason deemed sufficient by the court, the name of the juror so excused shall remain upon the jury list from which jurors are drawn, and his name returned to the jury box from which it was drawn. Any person applying to be excused from jury service for any of the causes herein specified, may be placed upon oath or affirmation to testify truly in all respects as to the cause for such excuse, and that he will answer truly any question put to him by the judge with respect thereto.

[Superseding
§99, Rem.-
Bal.]May be
excused.Juror un-
der oath.

SEC. 8. In no action or proceeding whatever, except felony cases shall the jury sworn to try the issues therein be kept together and in the custody of the officers of the

[Superseding
§346, Rem.-
Bal.]

Jurors kept together, when.

court, save during the actual progress of the trial, until the case shall have been finally submitted to them for their decision. Whenever the jury are kept together in the custody of the officers when the trial is not in progress, they shall be supplied with meals at regular hours, and with comfortable sleeping and toilet accommodations.

[This section repeals §§94, 98, 99, 101, 102, 103, 104, 109 and 346, Rem.-Bal. The other provisions of that chapter in Rem.-Bal. relating to jurors so far as not inconsistent with this act remain.]

SEC. 9. Chapter seventy-three of the Laws of 1909 being an act entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the state," approved March 10, 1909, is hereby repealed.

Passed by the House January 26, 1911.

Passed by the Senate March 3, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 58.

[H. B. 326.]

RELATING TO SCHOOL FOR THE BLIND.

AN ACT relating to the School for the Blind and making an appropriation therefor.

Be it enacted by the Legislature of the State of Washington:

Appropriating \$50,000.

SECTION 1. The state board of control shall erect or cause to be erected on the present site a building or buildings for the School for the Blind; the cost of such building or buildings not to exceed fifty thousand dollars (\$50,000). There is hereby appropriated out of the general fund of the state for purposes hereinabove mentioned, the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary.

Passed by the House February 25, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 11, 1911.