

## CHAPTER 135

[Substitute House Bill No. 99]

JURIES—SELECTION—COMPENSATION—SERVICE EXEMPTIONS—  
CRIMINAL CASES, STATE CORRECTIONAL INSTITUTIONS, PAYMENT

AN ACT Relating to juries; amending section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 92, Laws of 1967 and RCW 2.36.060; amending section 2, chapter 57, Laws of 1911 as amended by section 1, chapter 39, Laws of 1967 and RCW 2.36.080; amending section 7, chapter 57, Laws of 1911 and RCW 2.36.100; amending section 10, page 74, Laws of 1866 as amended by section 2351, Code of 1881 and RCW 2.36.120; amending section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150; amending and reenacting section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090; amending section 72.23.050, chapter 28, Laws of 1959 and RCW 72.23.050; adding a new section to chapter 50.20 RCW; repealing section 218, page 53, Laws of 1869, section 218, page 45, Laws of 1877, section 214, Code of 1881 and RCW 4.44.200; repealing section 90, chapter 130, Laws of 1943 and RCW 38.40.090; and decodifying RCW 2.36.120 and recodifying it in chapter 38.40 RCW; amending section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.12.050; and creating a new section.

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

Section 1. Section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 92, Laws of 1967 and RCW 2.36.060 are each amended to read as follows:

The judge or judges of the superior court of each county shall divide the county into not less than three 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.

~~((For the purposes of this section the clerk or comptroller of each incorporated city or town designated as registrar of voters by Title 29 RCW, except the registrars of voters in the city or town which is the county seat of any county;))~~ The county auditor shall prepare annually from the original registration files of voters of ~~((such city or town))~~ the county a list according to a procedure or formula established by the judge or judges of the superior court for the selection of prospective jurors from the original registration files of voters ~~((of the city or town which is the county seat of the county, and from the original registration files of rural precincts of voters))~~. The list shall be divided into the respective voting precincts and shall specify with respect to each name appearing on said list all the information upon the original registration card of each qualified voter ~~((and the said clerk or comptroller shall certify and file such list with the county auditor of his county on or before the first day of June of each year))~~.

During the month of July of each year, the judge or judges of the superior court for each county shall select by lot, in the manner hereinafter set

forth, from said lists and from the original registration files of voters of the ~~((city or town which is the county seat of the county, and from the original registration files of rural precincts of voters in the office of the county auditor of said))~~ county, and enter in a book kept for that purpose and shall certify and file with the county clerk a jury list containing the names of a sufficient number of qualified persons to serve as jurors until the first day of August of the next calendar year. The judge or judges may call (but are not required to call) one or more electors from each or any of the jury districts to advise in the selection. Each such elector shall receive for his services the sum of ~~((five))~~ ten dollars per day and the mileage allowed sheriffs, upon vouchers approved by the judge or presiding judge of the county. In making the selection of jurors the judge or judges shall be bound by the list of names filed with the county clerk as in this section provided. At any time and from time to time the judges may add to the jury list in the same manner, and when this is done a certified list of the names added shall be filed with the clerk.

The number of persons selected from the several jury districts shall be as nearly as possible in proportion to the number of names on the list certified and filed with the county clerk for the several districts. ~~((Any woman who upon being listed upon the list as in this section provided shall claim her exemption to serve as a juror, shall not be listed in the preparation of the list of jurors:))~~

The county clerk 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 appearing in the jury list for each district upon slips of paper, which shall be similar in size, quality of paper, and writing, shall deposit such slips in the jury box of the proper district. At the time of the drawing of names for any venire there must be in the jury boxes at least five times as many names as the number of names to be drawn.

The jury list shall be selected by the judge or judges in the following manner:

- (1) The selection of precincts from which names are to be selected shall be by lot;
- (2) The number of jurors selected from each precinct selected under subsection (1) shall, insofar as practicable, be equal;
- (3) The selection of prospective jurors within a given precinct shall be by selection of names in a given and identical numbered sequence based upon the number of jurors to be selected therefrom.

Sec. 2. Section 2, chapter 57, Laws of 1911, as amended by section 1, chapter 39, Laws of 1967 and RCW 2.36.080 are each amended to read as follows:

~~((Officers of the United States and of the state, attorneys at law, school teachers, practicing physicians, licensed embalmers, active members of the~~

~~fire and police departments of any municipality, 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 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, 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.))~~ (1) It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court, and that all qualified citizens have the opportunity in accordance with this 1979 act to be considered for jury service in this state and have an obligation to serve as jurors when summoned for that purpose.

(2) A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin, or economic status.

(3) This section does not affect the right to peremptory challenges under RCW 4.44.130.

Sec. 3. Section 7, chapter 57, Laws of 1911 and RCW 2.36.100 are each amended to read as follows:

~~((A person summoned as a juror may be excused from acting as such on account of any of the reasons stated in RCW 2.36.080 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.))~~ Except for a person who is not qualified for jury service under RCW 2.36.070, no person may be excused from jury service by the court 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.

Sec. 4. Section 10, page 74, Laws of 1866 as amended by section 2351, Code of 1881 and RCW 2.36.120 are each amended to read as follows:

All operators, clerks and persons in the employ of any telegraph company, whilst employed in the offices of said company, or along the route of its

telegraph line, shall be exempt from militia duty (~~and from serving on juries~~), and from any fine or penalty for the neglect thereof.

Sec. 5. Section 72.23.050, chapter 28, Laws of 1959 and RCW 72.23-.050 are each amended to read as follows:

The superintendent shall not be required to attend any court as a witness in a civil or juvenile court proceedings, but parties desiring his testimony can take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony require his attendance; (~~and he and all other persons employed at the hospital shall be exempt from serving on juries;~~) and, in time of peace, he and all other persons employed at the hospital shall be exempt from performing military duty; and the certificate of the superintendent shall be evidence of such employment.

NEW SECTION. Sec. 6. There is added to chapter 50.20 RCW a new section to read as follows:

No otherwise eligible individual shall be denied benefits for any week because he or she is serving as a prospective or impaneled juror in any court of this state. Compensation received for service as a juror shall not be considered wages subject to contributions under this title nor shall such compensation be considered in determining base-year wages, but it shall be considered remuneration for purposes of a deduction from benefits under RCW 50.20.130.

Sec. 7. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at (~~thirteen cents per mile each way~~) the rate determined under RCW 43.03.060, the following compensation:

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

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

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

(4) Justice of the peace jurors (~~shall~~) may receive ((ten)) up to twenty-five dollars but in no case less than ten dollars;

PROVIDED, That a person excused from jury service at his own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances: PROVID- ED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which

result from incidents occurring within an adult or juvenile correctional institution: PROVIDED FURTHER, That the compensation paid jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

Sec. 8. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each amended and reenacted to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror (~~shall~~) may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage (~~as provided by law~~) at the rate determined under RCW 43.03-.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 218, page 53, Laws of 1869, section 218, page 45, Laws of 1877, section 214, Code of 1881 and RCW 4.44.200; and

(2) Section 90, chapter 130, Laws of 1943 and RCW 38.40.090.

NEW SECTION. Sec. 10. RCW 2.36.120 is decodified and is recodified in chapter 38.40 RCW.

Sec. 11. Section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.12.050 are each amended to read as follows:

The justice shall write in a panel the names of eighteen persons, (~~citizens of the county~~) selected at random from persons registered as voters within the justice court district, from which the defendant, his agent, or attorney(-) must strike one name; the plaintiff, his agent, or attorney, one; and so on alternately until each party shall have stricken six names, and the remaining six names shall constitute the jury to try such case; and if either party neglect or refuse to aid in striking the jury as aforesaid, the justice shall strike the name in behalf of such party.

NEW SECTION. Sec. 12. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 25, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 7, 1979.

Filed in Office of Secretary of State May 7, 1979.

## CHAPTER 136

[House Bill No. 101]

### TRAFFIC OFFENSES—DECRIMINALIZATION

AN ACT Relating to motor vehicle offenses; amending section 9, chapter 299, Laws of 1961 as amended by section 4, chapter 73, Laws of 1971 and RCW 3.30.090; amending section 32, chapter 299, Laws of 1961 and RCW 3.42.020; amending section 51, chapter 299, Laws of 1961 and RCW 3.50.020; amending section 52, chapter 299, Laws of 1961 and RCW 3.50.030; amending section 77, chapter 299, Laws of 1961 and RCW 3.50.280; amending section 112, chapter 299, Laws of 1961 and RCW 3.66.010; amending section 1, chapter 58, Laws of 1929 and RCW 12.36.010; amending section 28B.10.565, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.565; amending section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030; reenacting and amending section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090; amending section 35.20.250, chapter 7, Laws of 1965 as amended by section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250; amending section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22.510; amending section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22.530; amending section 35.23.440, chapter 7, Laws of 1965 as last amended by section 21, chapter 316, Laws of 1977 ex. sess. and RCW 35.23.440; amending section 35.24.460, chapter 7, Laws of 1965 as last amended by section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460; amending section 35.24.470, chapter 7, Laws of 1965 as amended by section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470; amending section 35.27.530, chapter 7, Laws of 1965 as amended by section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530; amending section 35.27.540, chapter 7, Laws of 1965 as amended by section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540; amending section 35A.20.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.040; amending section 35A.20.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.080; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 216, Laws of 1975 1st ex. sess. and RCW 36.32.120; amending section 36.68.080, chapter 4, Laws of 1963 and RCW 36.68.080; amending section 36.69.180, chapter 4, Laws of 1963 and RCW 36.69.180; amending section 1, chapter 160, Laws of 1969 ex. sess. and RCW 43.30.310; amending section 44, chapter 170, Laws of 1965 ex. sess. as last amended by section 124, chapter 158, Laws of 1979 and RCW 46.01.230; amending section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170; amending section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120; amending section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190; amending section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090; amending section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190; amending section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1979 and RCW 46.16.135; amending section 46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140;