



## *The Judiciary, State of Hawai‘i*

### **Testimony to the Senate Committee on Judiciary and Labor**

Senator Gilbert S. C. Keith-Agaran, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair

Friday, January 29, 2016, 9:00 a.m.  
State Capitol, Conference Room 016

### **WRITTEN TESTIMONY ONLY**

by  
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Administrative Director

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**Bill No. and Title:** Senate Bill No. 2187, Relating to Jury Duty.

**Purpose:** Increases the mileage fee paid to prospective jurors from 33 cents to 45 cents. Decreases the distance a person must live from the court in order to receive a jury service exemption from 70 miles to 55 miles.

### **Judiciary's Position:**

The Judiciary offers the following comments on Senate Bill No. 2187:

Section 1 of this bill proposes to amend Section 612-6 (7), Hawai‘i Revised Statutes, by decreasing the distance a person must live from the court from 70 miles to 55 miles in order to receive a jury service exemption. Lowering the 70 mile exemption will significantly impact the Third Circuit’s ability to obtain an adequate number of potential jurors on the Big Island. At present, Third Circuit has a high number of jury exemption requests based on this mileage exemption. If the mileage is lowered, there will be pockets of jurors who may be exempt from jury service, in both Hilo and Kona, as someone may live more than 55 miles from the two circuit court forums.

Since this exemption was enacted in 2006, the Third Circuit has had to drastically increase the number of jury qualification forms sent out to Big Island residents to obtain an adequate number of potential jurors. As of 7/1/14, the U.S. Census estimated Hawai‘i County’s population at 194,190 which includes children, non-citizens, etc. Currently 70,000 jury



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qualification forms are sent out each year to Third Circuit residents. If the proposed exemption is enacted, the number of jury qualification forms would probably need to be increased to 80,000 per year which is disproportionately higher than any other circuit in the State. Part of the problem is that more of the qualified jurors live in East Hawai'i than in West Hawai'i. As a recent example, in order to impanel a Grand Jury in Kona earlier this month, the Third Circuit summoned 175 people to impanel 16 grand jurors. Out of the 175 people summoned, there were only 29 who were not disqualified, exempted, or excused, which illustrates in some respect of the how the 70 mile exemption can affect us. Simply put, the Court had only 29 people to be able to draw 16 people and of the 29 possible jurors, about 4 people raised good cause excuses which the Court granted. Thus, lowering the mileage exemption will decrease the number of eligible potential jurors.

Section 2 of this bill seeks to increase the mileage fee paid to each juror or prospective juror from 33 cents to 45 cents. If enacted, the Judiciary has estimated that an additional \$104,000 will be required to address the proposed increase in mileage fees.

Thank you for the opportunity to testify on this measure.