



The Judiciary, State of Hawai‘i

**Testimony to the Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 7, 2019 2:00 PM
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by

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Bill No. and Title: Senate Bill No. 1117, Relating to Exemptions from Jury Duty.

Purpose: Exempts active members of the Hawai‘i emergency management agency and county emergency management agencies from jury duty.

Judiciary's Position:

The Judiciary respectfully offers the following comments on Senate Bill No. 1117:

During 1998, Chief Justice Ronald T. Y. Moon convened the Hawai‘i Committee on Jury Innovations for the 21st Century consisting of almost 30 judges, administrators, legislators, attorneys, and former judges. A Sub-Committee on Juror Fees (the Committee) studied, among other things, the issue of juror exemptions pursuant to House Concurrent Resolution No. 107, Session Laws of Hawai‘i 1998 and recommended that § 612-6, HRS, should be amended by deleting all exemptions except for jurors who have served within the last year.

In making its recommendation, the 1998 Committee found that the majority of the states have two or fewer juror exemptions. And of these states, at least 24 have no exemptions at all. In contrast, Hawai‘i currently exempts elected officials; judges of the United States, State, or County; physicians; dentists; members of the armed forces or militia; active members of emergency medical services agency; persons living more than 70 miles from the court requiring



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jury services; people who have served as jurors within one year; persons 80 years of age or older; and mothers breastfeeding their child up to two years from the birth of the child.

The Committee also found that in 1993, the American Bar Association (ABA) recommended that, “The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the jurisdiction.”¹ To implement this, the ABA recommends that, “All automatic excuses or exemptions from jury service should be eliminated.”²

With regard to the current bill, the Judiciary is prepared to close down the courthouses should a crisis or disaster occur, including emergency hotline call-in numbers for employees to communicate with each other about shut down alerts and all-clear announcements. These communications would be pushed out to the members of the public as well. During a natural disaster, jurors would not report for jury duty. Further, the Judiciary understands that emergencies may arise prior to a juror reporting for jury duty and will not be able to fulfill their civic responsibility at the time they are summoned. Those jurors can request to have their jury service rescheduled to a later time without penalty or request to be excused. To our knowledge, jury duty exemptions for emergency management workers are not the norm in other States.

Thank you for the opportunity to testify on this measure.

¹ Standard Relating to Juror Use and management, American Bar Association, Judicial Administration Division, Committee of Jury Standards, 1993, p. 3

² Ibid p. 48