



**The Judiciary, State of Hawai'i**

**Testimony to the House Committees on Health**

The Honorable Josh Green, M.D., Chair  
The Honorable John Mizuno, Vice Chair

Wednesday, March 12, 2008, 8:00 a.m.  
State Capitol, Conference Room 329

by  
Russell Tellio  
Court Administrator  
First Circuit Court

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** Senate Bill No. 2064, S. D. 1, Relating to Jury Service.

**Purpose:** Allows full-time psychologists to claim an exemption from jury service. Effective 7/1/2050.

**Judiciary's Position:**

The Judiciary opposes this measure's proposal to add an exemption from jury service for psychologists.

It is State policy that all qualified citizens have an obligation to serve as jurors, Hawai'i Revised Statutes Section 612-1. Jury service is a fundamental obligation of citizenship, which promotes the ideals of democracy and equality in our society. The selection of a jury from a representative cross-section of the population is critical to our justice system. Indeed, over 25 years ago, the U.S. Supreme Court, in *Taylor v. Louisiana*<sup>1</sup>, found that, "Community participation in the administration of the criminal law...is not only consistent with our democratic heritage but is also critical to public confidence in the fairness of the criminal justice system. Restricting jury service to only special groups or excluding identifiable segments playing major roles in the community cannot be squared with the constitutional concept of jury trial."

---

<sup>1</sup> 419 U.S. 522 (1975).



Senate Bill No. 2064, S. D. 1, Relating to Jury Service  
House Committee on Health  
Wednesday, March 12, 2008  
Page 2

In 1998, Chief Justice Ronald T.Y. Moon convened the Hawai'i Committee on Jury Innovations for the 21<sup>st</sup> Century consisting of almost 30 judges, administrators, legislators, attorneys, and former jurors. Pursuant to House Concurrent Resolution No. 177, Session Laws of Hawai'i 1998, a Sub-Committee on Juror Fees (the Committee) studied, among other things, the issue of juror exemptions. The Committee 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 recommendations, the 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; police officers; fire fighters; people who have served as jurors within one year; people who live more than 70 miles from the court; and people who are eighty years or older.

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."<sup>2</sup>

If the Committee is so inclined to pass this measure, we respectfully request a delayed effective date of July 1, 2009 to allow the Judiciary sufficient time to prepare for the change in the law (i.e., bidding and purchase process for revised juror questionnaire forms begins in April).

Thank you for the opportunity to provide comments on this measure.

---

<sup>2</sup> Standards Relating to Juror Use and Management, American Bar Association, Judicial Administration Division, Committee on Jury Standards, 1993, at 3.