



The Judiciary, State of Hawai'i

Testimony to the House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, February 19, 2019 2:05 PM
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

by
Calvin Ching
Deputy Chief Court Administrator
First Circuit

Bill No. and Title: House Bill No. 878, House Draft 1 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. (HB878 HD1)

Judiciary's Position:

The Judiciary respectfully offers the following comments on House Bill No. 878, House Draft 1:

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



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

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

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February 18, 2019

The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary:

SUBJECT: Support for HB878 HD1, Relating to Exemption from Jury Duty

The City and County of Honolulu Department of Emergency Management (DEM) stands in **SUPPORT** for the passage of HB878 HD1, relating to exemption of active members of state and county emergency management agencies from jury duty. DEM suggests amending the effective date to July 1, 2019.

DEM and other state and county emergency management agencies are tasked with preparing for, responding to, and recovering from natural and man-made disasters like the ones we saw in 2018 here in Hawaii and elsewhere around the world. While jury duty is an essential part of our civic infrastructure, emergency managers can best serve our communities by staying on the job and continuing our operations.

I would like to take this opportunity to address the misconception that this bill is not necessary because the courts are expected to be closed during any event that would require emergency management agency response. In actuality, emergency management agency mobilization typically begins prior to event onset and continues well after the effects are felt by the wider community. For example, when a hurricane is approaching, emergency managers begin coordinating and planning actions well before impact. The work then continues not only throughout the storm but also until well after community activities begin returning to normalcy.

In summary, although emergency management agency officials are most visible during the acute phases of emergency events, they are in fact performing critical public safety functions not only during that time but also before and after emergency events. During those pre- and post-event activities, courthouses are very likely to be open. It is for this reason that HB878 HD1 is necessary to ensure the continuity of emergency

The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
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management functions in order to protect the health, welfare, and safety of the people of Hawaii.

DEM therefore supports HB878 HD1 and suggests an amended effective date of July 1, 2019. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hirokazu Toiya', with a long horizontal flourish extending to the right.

Hirokazu Toiya
Director

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

LATE

TESTIMONY ON
HOUSE BILL 878 HD1, RELATING TO EXEMPT FROM JURY DUTY

Before the House Committee on
JUDICIARY

Aloha Chair Lee, Vice-Chair San Buenaventura and Members of the Committee:

The Hawaii Emergency Management Agency (HI-EMA) **strongly supports** House Bill 878 HD1.

House Bill 878 HD1 exempts active members of the Hawaii Emergency Management Agency and county emergency management agencies from jury duty. In 2018, Hawaii Emergency Management Agency responded to the 7.9M earthquake in Alaska in January, Oahu and Kauai's severe storms, flooding, landslides and mudslides in April, Kilauea's unprecedented volcanic eruption in the Big Island from May to August, Tropical Storms Lane in August and Olivia in September. HI-EMA activated for these events, deployed many personnel to Kauai and Big Island and continuing to support the long-term recovery efforts in the Big Island.

The county emergency management agencies have more activations since they also respond to county specific events, such as flooding, landslides, and wild land fires. In many of these cases, HIEMA will monitor and standby to support without activating.

HI-EMA defines an "active member" as a full-time (permanent or temporary) employee of HI-EMA that is assigned to an Emergency Response Team (ERT) for an activation. We have two ERTs, A and B, to cover 12 hour shifts during an activation. At any time during the year, we will have approximately 5 to 10 employees deployed, on leave, training, sick, etc. that are not available for activation. Please also note that while these members are activated, their normal day-to-day emergency management work requirements are put on hold and must be done post event.

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comment/testimonies of the county emergency management agencies, as they would be the jurisdictions impacted by this legislation at the local level.

Thank you for the opportunity to provide testimony on House Bill 878 HD1.

Thomas L. Travis: Thomas.L.Travis@hawaii.gov; 808-733-4300

HB-878-HD-1

Submitted on: 2/18/2019 11:01:35 AM

Testimony for JUD on 2/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

Jeffrey K. Spencer
P.O. Box 235172
Honolulu, Hawaii 96823

February 15, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

I am Jeffrey Spencer, an emergency management specialist with the Department of Emergency Management (DEM), City and County of Honolulu. I stand in strong support for House Bill 878, HD1, Relating to Exemption from Jury Duty.

As an active member of the Department of Emergency Management, it is our mission to immediately respond to the City Emergency Operations Center (EOC) or field location, when an emergency or disaster occurs. As you are aware, disasters like the ones that we experienced throughout 2018 are unpredictable and can strike at a moment's notice.

In previous testimony submitted by the State of Hawaii Judiciary opposing this bill, they stated the following:

1. "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."
2. "During a natural disaster, jurors would not report for jury duty"
3. "...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."

I do not disagree with these statements however, as an emergency manager, we may be called to work while already serving on a jury, thereby creating undue complications. In addition to this, while the initial impact of a disaster is short lived, the recovery operations (such as damage assessment and staffing Disaster Recovery Centers) can be prolonged, and last for weeks maybe months, long after the court proceedings have reconvened.

The passage of this bill will allow myself and our active members of emergency management to be exempt from jury duty, to focus on our public safety mission, which includes helping our community

return to normalcy after a disaster. While jury duty is my civic responsibility, it is also my responsibility to ensure the safety and wellbeing of our citizens when disasters occur.

In closing, I strongly support the passage of House Bill 878, HD1 as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu. I thank the House Judiciary Committee the opportunity to provide testimony on this very important bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Spencer", is written over the word "Sincerely,". The signature is stylized and somewhat illegible due to overlapping loops and lines.

Jeffrey Spencer

HB-878-HD-1

Submitted on: 2/17/2019 3:16:02 PM

Testimony for JUD on 2/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mari Masuoka	Individual	Support	No

Comments:

I, Mari K. Masuoka, Administrative Specialist for the Department of Emergency Management, am in strong SUPPORT for HB878 relating to exemption from jury duty.

The passage of this bill will allow myself and our active members of emergency management to be exempt from jury duty to allow us to focus on our public safety mission.

I understand the plight of the State Judiciary, and that the courthouse will be closed during a disaster. However, for emergency management our work goes beyond the disaster and we also work during the recovery process, which can be prolonged for weeks and even months. Assuming we are at full staff, that would make our department 15-person strong. To be short one member during a disaster and/recovery can be detrimental to our city and county.

In closing, although I realize that jury duty is my civic duty, it is also my responsibility to ensure the safety and well-being of our residents when a disaster occurs; therefore, I support the passage of this bill. Thank you for the opportunity to testify.

Mari K. Masuoka