



The Judiciary, State of Hawai'i

**Testimony to the House Committee on Public Safety,
Veterans, and Military Affairs**

Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

Friday, February 8, 2019 10:00 AM
State Capitol, Conference Room 430

WRITTEN TESTIMONY ONLY

by

Calvin Ching

Deputy Chief Court Administrator
First Circuit

Bill No. and Title: House Bill No. 878, 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 House Bill No. 878:

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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Page 2

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.

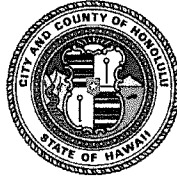
¹ Standard Relating to Juror Use and management, American Bar Association, Judicial Administration Division, Committee of Jury Standards, 1993, p. 3

² Ibid p. 48

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



HIROKAZU TOIYA
DIRECTOR

February 6, 2019

REF: DEM2019-001

The Honorable Gregg Takayama , Chair
The Honorable Cedric Asuega Gates, Vice Chair
Committee on Public Safety, Veterans
and Military Affairs
415 South Beretania Street, Room 430
Honolulu, Hawaii 96813

Dear Chair Takayama, Vice Chair Gates, and members of the Committee on Public Safety, Veterans and Military Affairs:

SUBJECT: Support for House Bill 878, Relating to Exemption from Jury Duty

My name is Hirokazu Toiya and I am the Director of the Department of Emergency Management (DEM) for the City and County of Honolulu (City).

The DEM stands in strong **SUPPORT** for the passage of HB 878, Relating to Exemption from Jury Duty. DEM and other state and county emergency management agencies are tasked with preparing for, responding to and recovering from natural disasters, similar to the 2018 events in Hawaii and elsewhere around the world, not to mention human-caused crisis. Passage of this bill would allow active members of emergency management to focus on our public safety mission and ensuring the safety of residents and visitors in the State of Hawaii.

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. Due to the limited number of emergency managers, serving on a jury will impede disaster response and recovery, ultimately impacting the return to normalcy.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Hirokazu Toiya", is written over a horizontal line.

Hirokazu Toiya
Director



KAUA'I EMERGENCY MANAGEMENT AGENCY

THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

ELTON S. USHIO
ADMINISTRATOR

February 6, 2019

The Honorable Gregg Takayama, Chair, Cedric Asuega Gates, Vice Chair and
Members of the Committee on Public Safety, Veterans & Military Affairs

State House of Representatives
415 South Beretania Street
Honolulu, Hawai'i 96813

SUBJECT: SUPPORT OF H.B. 878 RELATING TO EXEMPTIONS FROM JURY DUTY

Honorable Committee Members:

I am Elton Ushio, Administrator of the County of Kaua'i Emergency Management
Agency, testifying in SUPPORT of S.B. 878.

State and County Emergency Management entities and our respective personnel, per
H.R.S. 127A and the various county-level charters, serve essential, critical and unique
roles and functions related to life/safety, critical infrastructure, key resources, property
and environmental issues.

Moreover, local Emergency Management Agencies are the county-level leads in
coordinating and integrating efforts among all levels of government, the private sector
and community-based organizations, to mitigate against, prepare for, respond to and
recover from natural disasters, acts of terrorism and other threats and hazards.

Updating H.R.S. §612-6 to include a jury duty exemption for State and County
Emergency Management Agency employees will enhance our collective ability to
consistently perform our functions, similar to how §612-6 currently supports our
emergency management /public safety colleagues and partners in the military,
police/fire service, emergency medical services and other critical services.

Thank you for your consideration.

Sincerely,

Elton S. Ushio
Emergency Management Administrator



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

February 6, 2019

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety, Veterans, & Military Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 430
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, 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 we experienced throughout 2018 are unpredictable and can strike at a moment's notice. While the initial impact of a disaster is short lived, the recovery operations that follow can be prolonged for weeks and even months.

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. 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, as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu. Thank you for the opportunity to provide testimony on this bill.

Sincerely,



Jeffrey K. Spencer

I am Mari K. Masuoka, Administrative Specialist, with the Department of Emergency Management (DEM), City and County of Honolulu. I stand in strong **SUPPORT** for H.B. 878, 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 are unpredictable and can strike at a moment's notice. While the initial impact of a disaster is short lived, the recovery operations that follow can be prolonged for weeks and even months.

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. 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 H.B. 878 as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu, and would also like to thank this committee the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mari K. Masuoka', with a stylized, cursive script.

Mari K. Masuoka

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

LATE

TESTIMONY ON
HOUSE BILL 878, RELATING TO EXEMPTIONS FROM JURY DUTY

Before the House Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

by

THOMAS L. TRAVIS
Administrator, Hawaii Emergency Management Agency (HI-EMA)

Aloha Chair Takayama and Vice-Chair Gates, and Members of the Committee:

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

House Bill 878 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 Storm 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, HI-EMA 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.

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