

February 2, 2021

The Honorable Mark M. Nakashima, Chair  
and Members  
Committee on Judiciary and Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

I am Mari Masuoka, the Administrative Specialist with the Department of Emergency Management, City and County of Honolulu (City). I stand in strong support for House Bill 652, Relating to Exemption from Jury Duty.

As an active member of the Department of Emergency Management, it is our mission to respond to the City's Emergency Operations Center (EOC), when an emergency or disaster occurs. Disasters like the ones we experienced throughout 2018 are unpredictable and can strike at a moment's notice. Typically the initial impact of disasters are short lived, however the recovery operations that follow can be prolonged for weeks and even months. Currently our department has been working through this COVID pandemic for almost a year now with still no end in sight.

Our department is only fifteen (15) members strong, and to be down even one member during an activation hinders our operational capabilities. The passage of this bill will allow myself and fellow 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 652, and would like to thank this committee the opportunity to testify.

Sincerely,

Mari Masuoka

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

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The Honorable Mark M. Nakashima, Chair  
and Members  
Committee on Judiciary & Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

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 652, Relating to Exemption from Jury Duty.

As an active member of the Department of Emergency Management, it is my mission to immediately respond to the City Emergency Operations Center (EOC) or field location, when an emergency or disaster occurs. In recent years we have seen quite a few near misses with hurricanes, possible tsunami warnings and other disasters; thankfully, most of these have not come to fruition. However as you are aware, the latest threat we were unable to avoid; the COVID-19 Pandemic.

Typically speaking, the initial impact of a disaster is short lived; some disasters like COVID-19 can drag on for months and maybe even years. The recovery phase once the threat is gone can continue for months or longer depending on the severity of the damage. While business as usual may resume relatively quickly (including hearings and trials) in the background emergency managers like myself are still conducting damage assessments, staffing disaster recovery centers and trying help our community return to a normal world. Unlike police, fire or emergency medical services, where there are a few hundred or even a few thousand personnel able to respond, there are only about 100 emergency management personnel between the four counties and the state, thereby making each one of us even more critical. On the island of Oahu, there are a total of 15 personnel to serve a population of about 1,000, 000 residents and visitors.

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 when our community needs us most. 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 652, 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,  
  
Jeffrey K. Spencer



*The Judiciary, State of Hawai‘i*

**Testimony to the Thirty-First State Legislature, 2021 Session**

**House Committee on Judiciary & Hawaiian Affairs**

Representative Mark M. Nakashima, Chair

Representative Scot Z. Matayoshi, Vice Chair

Thursday, February 4, 2021, 2:00 P.M.

State Capitol, Conference Room 325

VIA VIDEOCONFERENCE

by:

Mark M. Santoki

Acting Deputy Chief Court Administrator

First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 652, 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. 652.

During 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 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



House Bill No. 652 Relating to Exemptions from Jury Duty  
House Committee on Judiciary & Hawaiian Affairs  
Thursday, February 4, 2021  
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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."<sup>1</sup> To implement this, the ABA recommends that, "All automatic excuses or exemptions from jury service should be eliminated."<sup>2</sup>

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.

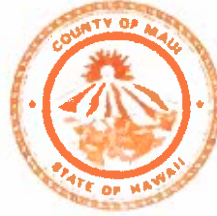
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<sup>1</sup> Standard Relating to Juror Use and management, American Bar Association, Judicial Administration Division, Committee of Jury Standards, 1993, p. 3

<sup>2</sup> Ibid p. 48

**MICHAEL P. VICTORINO**  
Mayor

**HERMAN ANDAYA**  
Administrator



County of Maui  
**MAUI EMERGENCY MANAGEMENT AGENCY**  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE: (808) 270-7285  
FAX: (808) 270-7275  
emergency.management@mauicounty.gov

February 3, 2021

Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice-Chair  
House Committee on Judiciary & Hawaiian Affairs

**Support for H.B. 652, Relating to Exemptions from Jury Duty**

Thank you for this opportunity to express support for H.B. 652, Relating to Exemptions from Jury Duty. H.B. 652 proposes to expand the list of individuals who "may claim exemption from service as a juror..." to include active members of the Hawaii Emergency Management Agency and active members of the counties' emergency management agency, as provided in HRS §127A-5.

As an emergency manager, we are often unexpectedly summoned to the emergency operations center ("EOC") during an activation due to an emergency (e.g. hurricane, tsunami, pandemic, flooding and etc.). As such, jury duty for an emergency manager may result in having to abruptly leave the court proceedings to report to the EOC and respond to the emergency.

Having served as a judicial law clerk many years ago, I understand the importance of jury duty. It is for this very reason that I firmly believe that emergency managers should be exempt from jury duty to ensure that the situation above is avoided. Thank you very much for scheduling this bill and for your consideration.

Very respectfully,

  
Herman Andaya  
Administrator



*Utilizing Emergency Management Principles, We Protect All Persons Within  
The County of Maui to Achieve Whole Community Resilience*



# KAUA'I EMERGENCY MANAGEMENT AGENCY

ELTON USHIO, ADMINISTRATOR



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

## Testimony of Elton Ushio

Administrator of Kaua'i Emergency Management Agency, County of Kaua'i

Before the

**House Committee on Judiciary & Hawaiian Affairs**

February 4, 2021 at 2:00 PM

Via Videoconference and Conference Room 325

In consideration of

**House Bill 652**

**Relating to Exemptions from Jury Duty**

Honorable Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

I am Elton Ushio, Administrator of the Kaua'i Emergency Management Agency (KEMA), testifying in **strong support** of H.B. 652 which exempts active members of the Hawaii emergency management agency and county emergency management agencies from jury duty.

State and County Emergency Management entities, per H.R.S. 127A, serve essential, critical and unique roles and functions that affect life/safety, property and environmental concerns, oftentimes requiring immediate actions with little to no prior notice. Associated actions, particularly when response shifts to recovery, can last for weeks, months or even longer.

Moreover, State and County Emergency Management Agencies are the lead governmental entities at our respective levels, in coordinating and integrating efforts among all levels of government and the private sector to mitigate against, prepare for, respond to and recover from natural disasters, acts of terrorism and other threats and hazards – All hazards. Our central roles during the ongoing COVID-19 pandemic are a prime example.

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, per H.R.S. 127A.

Thank you for the opportunity to testify in strong support.