



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Thursday, January 30, 2025, 2:00 p.m.

State Capitol, Conference Room 325 & Videoconference

by

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and

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Bill No. and Title: House Bill No. 402, Relating to Prospective Jurors.

Purpose: Authorizes the Judiciary to determine the format of the juror qualification form and the means of its delivery and return. Removes the requirement that the form be mailed.

Judiciary's Position:

This is a Judiciary package bill, and we strongly support its passage.

House Bill No. 402 amends Section 612-3 of the Hawai‘i Revised Statutes to allow for the flexibility to utilize alternative forms of the delivery and return of the juror qualification form. The current language, as written, is too restrictive, as it only allows a juror qualification form to be mailed to prospective jurors and mailed back to the courts. With advances in technology, many government agencies are leveraging technology to modernize government services and how they provide information and services to their users.

The amendment would provide the Judiciary with the flexibility to make strategic determinations regarding the use of appropriate and effective methods or platforms for the juror



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qualification form. The strategic use of alternative formats which include digital tools could make the process easier and more convenient for prospective jurors, while also encouraging greater participation in this important civic duty.

There is no appropriation requested.

Thank you for the opportunity to testify on House Bill No. 402.

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**Testimony of the Office of the Public Defender,
State of Hawai'i to the House Committee on Judiciary & Hawaiian Affairs**

January 30, 2025

H.B. 402 : RELATING TO PROSPECTIVE JURORS.

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

The Office of the Public Defender submits comments and concerns regarding H.B. 402.

The Office of the Public Defender is concerned about the intent of this measure. On the face it appears to be a simple change in the formatting of a standardized form. However, it is unclear what changes the Judiciary is seeking and how they plan to format and implement the distribution, delivery and return system of the juror qualification forms. We have the following issues:

1. We are deeply concerned that if the Judiciary plans to digitize the juror qualification process by abandoning the mail in system, then a large segment of our available population ready and willing to participate in jury service will be disenfranchised – specifically, older jurors who may not be as technologically savvy as younger jurors (i.e. who may not be familiar with online processes, forms, QR codes, etc.) and jurors who may not have easy access to technology (i.e. cell phones, computers, etc.) because of limited monies or because they live in remote or rural areas with spotty to non-existent internet or cell service). We do not want these potential jurors, who may be willing and able to serve as jurors, to be disenfranchised from the process.

2. We are concerned that it is unclear what changes the Judiciary wishes to make to the standardized juror forms and whether they will be eliminating specific questions that are currently on the forms: employment, spouse's employment, number of children, connections to law enforcement, etc. This measure is short on details and seems to authorize changes carte blanche without any input from Stakeholders like the Office of the Public Defender, the Prosecuting Attorneys from the different jurisdictions around the State, and the Hawaii State Bar Association. We submit that the Judiciary should be required to participate in a review process with these Stakeholders before implementing any changes.

The Office of the Public Defender is not opposed to modernizing the jury qualification process; however, we want the process to be transparent, inclusive, and fair to ensure that any jury panel is a true representation and reflection of our community.

Thank you for the opportunity to comment on this measure.