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

March 11, 2025

S.B. 262 SD1: RELATING TO PROSPECTIVE JURORS.

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

The Office of the Public Defender submits comments regarding S.B. 262 SD1.

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 concerns:

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 still have rural communities in our State who do not have regular or reliable access to the internet. 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, the Office of the Attorney General, 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.



The Judiciary, State of Hawaii

**Testimony to the
House Committee on Judiciary and Hawaiian Affairs**
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Tuesday, March 11, 2025 at 2:00 PM
State Capitol, Conference Room 325

By

Michelle D. Acosta
Deputy Chief Court Administrator, First Circuit

Bill No. and Title: Senate Bill No. 262, S. D. 1, 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. Authorizes the Judiciary to use more than one method of delivery and attempt to contact any one juror more than once. Removes the requirement that the form be mailed. Effective 4/23/2057. (SD1)

Judiciary's Position:

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

Pursuant to Section 612-13, Hawaii Revised Statutes, the Judiciary transmits juror qualification forms, also known as questionnaires to prospective jurors to gather information used to determine eligibility for jury service. The statute also requires that these forms be mailed to prospective jurors and mailed back to the Judiciary.

This bill would amend HRS 612-13 to enable the juror qualification forms to be delivered to the prospective juror and returned to the court using methods that are not restricted to mail. The Judiciary is in the process of modernizing its jury management system and wishes to leverage technology to make jury service easier and more convenient for prospective jurors while encouraging greater participation in this important civic duty. This would include the use of an online portal as a means for responding to the juror qualification form.



Senate Bill No. 262, S. D. 1 Relating to Prospective Jurors
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Other states have made use of similar online tools to make engaging in the jury selection process more convenient. Connecticut, Maryland, Wisconsin, North Dakota, and Iowa are a few of the states that have adopted this technology. These states have experienced an increase in responses. However, in view of concerns raised by important stakeholders such as the Office of the Public Defender, with regard to the changes to the method of delivery and format of the juror qualification form, the Judiciary is open to delaying the requisite change to HRS 612-13 to allow for further discussions.

The Judiciary remains committed to making jury service more convenient and accessible through the use of modern technology and thanks this Committee for the opportunity to testify on Senate Bill 262, S. D. 1.