

HB 2539 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 05/20/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 4-3-0-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 3 - Heard, Linthicum, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Michael Lantz, Counsel

Meeting Dates: 4/21, 5/20

WHAT THE MEASURE DOES:

Prohibits juror from being identified by name during a court proceeding open to the public. Requires the names of jurors be made available to the parties to a proceeding unless good cause is shown.

ISSUES DISCUSSED:

- Personal experiences with jury service
- Concerns about use of actual name during juror selection
- Current use of numbers in place of names

EFFECT OF AMENDMENT:

Allows court to keep juror identities anonymous to the parties if good cause is shown.

BACKGROUND:

During the jury selection process for criminal and civil trials, jurors are often assigned numbers so that they are readily identifiable to the judge, parties, and court staff. However, there is no statewide requirement that potential jurors only be referred to by their assigned number and attorneys will often use names while questioning potential jurors. Under Oregon Supreme Court precedent, the identities of jurors must be provided to the parties unless "the trial court finds that circumstances of a particular case justify the [non-disclosure] and takes steps to mitigate any prejudice to defendant." (*State v. Sundberg*, 349 Or. 608, 624 (2011)).

House Bill 2539 A prohibits a juror from being identified by name during a court proceeding open to the public, though it requires that the names of jurors be made available to the parties unless good cause is shown.