

**SB 1175 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. McLane

**Senate Committee On Judiciary**

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**Action Date:** 04/02/25

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

**Vote:** 6-0-0-0

**Yeas:** 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Jules Dellinger, LPRO Analyst

**Meeting Dates:** 3/24, 4/2

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**WHAT THE MEASURE DOES:**

The measure establishes a 15-member Task Force on Removing Barriers to Jury Service staffed by the Oregon Judicial Department and directs the task force to examine topics and make recommendations related to jury participation and compensation, and to submit a report to the Chief Justice, Governor, and interim judiciary committees by December 15, 2026.

Detailed Summary

Establishes the Task Force on Removing Barriers to Jury Service, to be composed of the following 15 members:

- Appointed by the President of the Senate:
  - Two members of the Senate.
- Appointed by the Speaker of the House of Representatives:
  - Two members of the House.
- Appointed by the Governor:
  - One district attorney representative;
  - One criminal defense attorney representative;
  - One business association representative;
  - One member of the Racial Justice Council established in ORS 176.350; and
  - One Association of Oregon Counties representative.
- Appointed by the Chief Justice of the Oregon Supreme Court:
  - Two judges with jury trial experience;
  - One attorney with civil jury trial experience or representing a civil litigation attorney organization;
  - One justice of the peace or municipal court judge with civil jury trial experience; and
  - One Oregon State Bar representative.

Requires the Chief Justice or their designee to serve as chairperson of the task force and as a nonvoting member. Requires the appointing authority to consider the need for diverse task force membership in the areas of gender, race and ethnicity, geography, age, disability, and lived experience as a juror or participant in jury trials.

Requires the task force to:

- Examine Oregon's current structure of jury compensation and resulting participation levels and compare the same to other jurisdictions.
- Propose recommendations to modify Oregon's jury compensation structure to improve participation.
- Recommend public outreach and education strategies.
- Examine and propose recommendations to address additional barriers to jury service.

Outlines procedural provisions for quorum, voting, vacancies, meetings, and rules. Requires the task force to submit a report to the Chief Justice, the Governor, and the Legislative Assembly no later than December 15, 2026. Permits the report to include recommendations for legislation and minority and dissenting views, opinions, or

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recommendations. Requires the Oregon Judicial Department to staff the task force. Makes legislative members of the task force nonvoting and advisory. Makes members of the task force volunteers not entitled to compensation or reimbursement. Directs other agencies of state government to assist the task force.

Takes effect on the 91st following adjournment sine die.

### **ISSUES DISCUSSED:**

- Barriers to jury service beyond compensation
- Additional areas for the task force to examine
- Cost of staffing

### **EFFECT OF AMENDMENT:**

The amendment requires age and disability to also be considered when appointing members to the task force and requires the task force to also examine and propose recommendations to address additional barriers to jury service.

### **BACKGROUND:**

Both the Oregon and United State Constitutions guarantee the right to a jury trial. Under the Oregon Constitution, the legislature must provide laws for jury selection and qualifications. Or. Const. Art. 7 Sect. 5. Unless otherwise provided by their employment, jurors in Oregon are paid \$10 per day for the first two days of service and \$25 per day thereafter. Jurors also receive \$0.20 per mile from their residence to the courthouse. A juror may waive their compensation, which then goes instead to the Oregon Judicial Department's "Juror Access and Experience Improvement" account. Once selected, jurors may serve anywhere from one day to multiple months, depending on service type and trial length.

There is no requirement in Oregon that an employer provide compensation for the time that a person misses work to serve on a jury. However, ORS 10.090 prohibits employers from discharging, intimidating, or coercing an employee because of their service as a juror, and employers cannot require an employee to use leave time to serve as a juror. Employers must "allow the employee to take leave without pay for time spent" responding to a juror summons. Other models for jury compensation vary. Federal jurors are paid \$50 per day of service, for example, and in New York, employers with more than 10 employees are required to pay an employee \$40 per day or the employee's wage, whichever is lower, for the first three days of service, with the state making up the difference and providing compensation after three days.

One of the Key Performance Measures for the Oregon Judicial Department is "Effective Use of Jurors," defined in the [2024 Judicial Department Annual Performance Progress Report](#) as "the percentage of available jurors who are selected for jury duty who are qualified and available to serve (juror yield)." The national average juror yield is approximately 53 percent, meaning the average court in the United States summons double the number of people needed to serve. Since 2020, Oregon's juror yield has fluctuated between 40.5 percent (2021) and 48.2 percent (2022), above the National Center for State Courts goal of 40 percent but well below the national average target.