

HB 1047

Senate Judiciary Committee February 18, 2025 Testimony of Sally Holewa State Court Administrator

Chair Larson and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

HB 1047 was introduced at the request of the Supreme Court. It is a relatively simple bill to address a serious issue. If enacted, this bill would allow the state to provide up to 10 hours of counseling services to jurors who have served on a trial involving extraordinarily graphic, gruesome or emotionally devastating evidence or testimony. The types of cases in which that kind of testimony or evidence might be present are listed in section two of the bill. In 2023, there were 244 trials held, of which 38 would have met the criteria to offer counseling. In 2024, there were 224 trials held, of which 33 would have met the criteria to offer counseling.

Section 3 of the bill specifies that the counseling would need to be done within 180 days after the jury is discharged, and includes options for how the services would be provided and the type of services covered.

There is a large body of evidence that demonstrates that jurors can experience post-traumatic stress syndrome or symptoms of vicarious trauma for up to two years following jury service that involves having to listen to victim testimony or see or hear graphic evidence. Some examples are 911 calls that include audio of an individual being abused or killed, finding the murdered body of a loved one, or self-reporting a murder; photographs and videos of acts involving child sexual

abuse, severe physical abuse, torture and mutilation of children or adults; burned or dismembered bodies; and the torn bodies of murder or accident victims.

It is important to remember that jurors are not volunteers. They are compelled by law to report for service. They do not have the options of looking away, not listening or quickly distracting themselves, which are the natural defense mechanisms the rest of us can employ when we encounter something unpleasant. Jurors are especially prone to trauma from exposure to these types of things specifically because they are required to commit the testimony and evidence into their long-term memory in order to be able to fully participate in juror deliberations at the end of the trial.

In the past, we have been able to offer critical incident de-briefing through our Employee Assistance Program to jurors if the assigned judge has requested those services in advance and if our EAP provider had someone who would be available to provide the service when the court called. Our EAP provider notified us last summer that they would longer provide this service. Although de-briefing services are helpful, the individual counseling that would be available through this bill is a more effective method of addressing trauma because an individual may not realize until a few weeks after trial that the unwanted images, intrusive thoughts, and emotional ups and downs are not likely to go away on their own. We also know that midwestern stoicism makes it difficult for individuals to publicly admit to needing help. Proactively recognizing the lingering effects of jury service erases that step. Having a provider who can offer the choice of tele-health counseling services will further enhance the privacy of the juror since they would need to take less time off from work or spend time in a waiting room where they may be leery of encountering neighbors or co-workers.

Juror counseling services for high-stress cases has been available in the federal district courts since 2005. Alaska, Florida, Massachusetts, Minnesota, New York, Oregon, Texas, Washington and the courts in Canada make juror counseling available for jurors experiencing vicarious trauma. The specifics of this bill are modeled after a program that has been successfully used in Alaska for the past 5 years. Less than 1% of the jurors who were offered counseling services chose to utilize them. That low number doesn't mean the services are not necessary. It is proof that the program is necessary and that it is not being misused. Guided by Alaska's experience, we estimate that the biennial cost for the program will be \$10,000.

I believe this is a necessary, cost-controlled, and effective service that recognizes the service of those who have stepped up to perform the hard and unpleasant work that an orderly society sometimes demands of its citizens.

I urge a Do Pass recommendation and will stand for any questions.