

HB 1047

House Judiciary Committee January 8, 2025 Testimony of Sally Holewa State Court Administrator

Chair Klemin 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 emotional 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 whole 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 of crimes that include 911 calls, photographs and videos of acts involving child sexual abuse, severe abuse, mutilation, burning or murder.

Jurors are especially prone to trauma from exposure to these types of things because they are required to commit the testimony and evidence they hear to 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.

This bill is 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. Guided by Alaska's experience, we estimate that the biennial cost for the program will be \$10,000.