

The Just Criminal Justice Group, LLC



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Owner/Manager

April 9, 2026

Rep. Carol Hagan McEntee
Chair, House Judiciary Committee
The Statehouse
Providence, RI 02903

**RE: House Bill No. 8079
BY Potter, Alzate, Cruz, Batista, McEntee, Felix
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE
GENERALLY -- JURY LISTS {LC5771/1} (Amends the jury list and jury qualification
statutes to add individuals receiving public assistance benefits.)**

Dear Chairperson McEntee & Members of the House Judiciary Committee:

I write in enthusiastic support of the legislation referenced here, the purpose of which is to diversify the ethnic and racial makeup of juror lists used to populate grand and petit jury panels in Rhode Island state courts. It does so by adding recipients of public assistance benefits to the sources used to compile juror lists. The legislation is identical to legislation last introduced at the request of The Judiciary in 2023 and 2024.ⁱ

I. Legislative History

It is important to consider what inspired The Judiciary's 2023 and 2024 legislative efforts to diversify the ethnic and racial makeup of grand and petit juries. After its creation in 2020, the Rhode Island Supreme Court's Committee on Racial and Ethnic Fairness (CREF) began to address a number of issues related to its charge of "identifying and confronting areas where racism, inequality and discrimination may exist in our judicial system and being the driving force of change within the Rhode Island Judiciary."ⁱⁱ These included a lack of diversity in the jury pools assembled for grand and petit jury service. For example:

- In its quarterly report dated December 31, 2022, CREF noted the work being done to address the issues involved.ⁱⁱⁱ That work continued into the following year.

- In its quarterly report dated March 31, 2023, CREF continued to acquire information and data in support of what would become a legislative effort to diversify the makeup of jury pools, noting that on: 1) February 15, 2023 the Judiciary submitted proposed legislation to expand the state’s jury lists to include records from public assistance agencies and on 2) February 21, 2023 received a presentation about past efforts to diversify the ethnic and racial makeup of grand and petit jury panels through legislative reform in 2003 and the 2006 constitutional and statutory changes to restore voting rights for those with a felony record, thereby making them eligible for jury service. It appears that the legislation came closest to passage in 2023, when the House Judiciary Committee voted passage only to have that recommendation withdrawn later. ^{iv}
- Finally, excerpts from The Judiciary’s 2024 testimony in support of 2024—H 7831 follow. ^v

II. Current State of the Law & How We Got There

Under current law the following serve as the source materials for juror lists:

1. Registered Rhode Island voters
2. Licensed to operate a motor vehicle in Rhode Island
3. Those who possess a Rhode Island identification card pursuant to RIGL Sec. 3-8-6, 6.1.
4. State income tax returns
5. Those receiving unemployment compensation

This is far from the first attempt to diversify the makeup of juries. Rhode Island originally used lists of registered voters as the sole source for compiling juror lists. Licensed motor vehicle operators and Rhode Island identification cards were added in 1995. State income tax returns and those receiving unemployment compensation were added in 2003.^{vi}

A report from the neighboring State of Connecticut may be of assistance in identifying additional actions that could help ensure juries that reflect a fair cross section of the communities they represent. There, the Connecticut Supreme Court created a task force of criminal justice stakeholders to study and make recommendations toward eradicating racial bias from the jury selection process. Among its recommendations are increased efforts at community outreach and engagement; reconfigurations of the initial mailings that go out to potential jurors; and adoption of a new summoning system. ^{vii} Finally, consideration should be given to adding public utility customers to the sources used to compile juror lists. This

possibility was considered but rejected by the General Assembly in 2003 and public utility customers were eliminated from the final version of the legislation before being enacted into law. ^{viii}

Thank you for considering my position in this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. DiLauro". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael A. DiLauro, Esq.

ENDNOTES

i

2024—H 7831; 2024—S 2913; 2023—H 5910; 2023—S 0896

ii

On October 20, 2020, Chief Justice Paul A. Suttell issued Executive Order No. 2020-15 establishing CREF and prescribing its mission and purpose including “identifying and confronting areas where racism, inequality and discrimination may exist in our judicial system and being the driving force of change within the Rhode Island Judiciary.”.

iii

Excerpts from the CREF quarterly report dated 12/31/22 at pp. 7-8 follow:

<p><u>C. Self-Examination Policy Subcommittee (SEPS)</u></p> <p><u>Charge.</u> To engage in thoughtful evaluation and internal conversations to identify areas where changes to judiciary policies and/or procedures are warranted due to the unintentional but nevertheless very real disparate impact, unfairness or inequity such policies and/or procedures perpetuate on racial and ethnic minority communities.</p> <p><u>Activities to Date.</u> In September 2022, members of SEPS began working with members of Data Subcommittee to explore options for broadening the diversity and inclusivity of Rhode Island’s jury pools. General Counsel Kathleen Kelly has presented a memo outlining other states’ actions taken to improve jury diversity and inclusivity.</p> <p>Several states identified increasing the scope and accuracy of the master lists as a means of enhancing diversity of the jury pools. Rhode Island’s jury pools are derived from state income tax returns, unemployment lists, driver’s license and state-issued identifications lists, and the registered voter rolls. The subcommittee developed a proposal to submit legislation in the upcoming General Assembly session to expand the state’s jury lists to include records from public assistance agencies. In other states this information has proven to enhance both accuracy of addresses and other information, as well as identify a more diverse pool of potential jurors.</p> <p>Another proposal is the expansion of unemployment insurance to individuals who are selected to sit on a jury. Lack of compensation is nationally recognized as a substantial impediment to a diverse jury pool because many perspective jurors</p> <p>7</p>	<p>simply cannot afford the financial hardship of jury duty. Removing this barrier to jury participation would bring forth a more diverse group of potential jurors.</p> <p>On October 25, 2022, the subcommittee met with Presiding Justice Alice B. Gibney, Jury Commissioner Eugene McCaffrey, III and Superior Court Administrator Marisa Brown to discuss the current jury selection process and seek guidance surrounding these possible initiatives. Presiding Justice Gibney and her staff expressed support for these proposals and offered to assist the subcommittee where needed. Additionally, Mr. McCaffrey and Associate Jury Commissioner William Maguire attended the Community Engagement Symposium for Justice on December 8, 2022.</p> <p><u>Goals.</u> The SEPS will continue to promote internal dialogue and policy/procedure reviews based on feedback received from the community through the outreach efforts of the PES</p>
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iv

Excerpts from the CREF quarterly report dated March 31, 2023 at pp. 7-8 and the Legislative Status Report for 2023—H 5910 follow:

<p><i>Charge.</i> To engage in thoughtful evaluation and internal conversations to identify areas where changes to Judiciary policies and/or procedures are warranted due to the unintentional but nevertheless very real disparate impact, unfairness or inequity such policies and/or procedures perpetuate on racial and ethnic minority communities.</p> <p><i>Activities to Date.</i> In September 2022, members of SEPS began working with members of Data Subcommittee to explore options for broadening the diversity and inclusivity of Rhode Island's jury pools.</p> <p>On February 15, 2023, the Judiciary submitted proposed legislation to expand the state's jury lists to include records from public assistance agencies. Additionally, on February 21, 2023, attorney Michael DiLauro of The Justice Criminal Justice Group spoke to Committee members about past efforts to diversify the ethnic and racial makeup of grand and petit jury panels through legislative reform in 2003. Attorney DiLauro also discussed 2006 constitutional and statutory changes to restore voting rights for those with a felony record.</p>	<p>House Bill No. 5411 (Judiciary)</p> <p>BY Cruz, Boylan, Potter, Voss, Stewart, Baginski</p> <p>ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -- JURY LISTS (Amends the jury list and jury qualification statutes to add individuals receiving public assistance benefits to the list of individuals sent to the state's jury commissioner on a yearly basis.)</p> <p>LC240711</p> <p>03-01-2023 Introduced, referred to House Judiciary</p> <p>03-03-2023 Scheduled for hearing and/or consideration (03-09-2023)</p> <p>03-09-2023 Committee recommended measure be held for further study</p> <p>03-24-2023 Scheduled for consideration (03-28-2023)</p> <p>03-28-2023 Committee recommends passage</p> <p>05-05-2023 Scheduled for reconsideration (05-11-2023)</p> <p>05-11-2023 Committee recommended measure be held for further study</p>
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Excerpts from The Judiciary's testimony dated 4/4/24 in support of 2024—H 7831 follow.

Dear Chairman Craven:

I write on behalf of the Rhode Island Judiciary to express our support for House Bill #7831, scheduled to be heard and considered this evening before the House Judiciary Committee. If enacted, this bill would amend R. I. Gen. Laws § 9-9-1, § 9-9-1.1 and § 40-6-12 to add individuals receiving public assistance to those individuals who may be called to jury duty.

Over the last twenty years the legal community, researchers, and the public at large have become increasingly aware of the importance of diverse juries. “Jurors from a cross section of the community bring different life experiences and perspectives to jury deliberations, leading to more informed discussions and greater public confidence in the judicial process.” National Conference of State Courts.

In Rhode Island the state's master jury list, is derived from Rhode Island income tax returns, unemployment lists, driver's license list, Rhode Island state-issued identifications list and the registered voter rolls. However, an area of concern identified by several states is the need for accurate master lists. One of the reasons to use information about individuals on public assistance is addresses have been shown to be more accurate than other categories of information. Also, surveys and other antidotal information gathered on the national level demonstrates that jurors from a cross-section of the community bring different life experiences and perspectives to the table, which in turn has shown more informed discussions, with jurors deliberately longer.

Currently, Massachusetts, Connecticut, New York, Pennsylvania, Tennessee, New Jersey, the District of Columbia and Puerto Rico utilize public assistance information in their jury selection process.

vi

- P.L. 1995, ch. 71, § 1 (licensed motor vehicle operators and Rhode Island identification cards added)

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- P.L. 2003, ch. 430, § 1 (adding state income tax returns and those receiving unemployment compensation)

vii

Report of the Jury Selection Task Force to Chief Justice Robinson (12/31/20). Available at https://jud.ct.gov/Committees/jury_taskforce/ReportJurySelectionTaskForce.pdf

viii

P.L. 2003, ch. 430, § 1 (adding state income tax returns and those receiving unemployment compensation); Legislation as introduced 2003—H 5582 (would have added state income tax returns, those receiving unemployment compensation, and public utility customers).