

AMENDED IN SENATE MAY 17, 2019
AMENDED IN SENATE APRIL 29, 2019
AMENDED IN SENATE MARCH 21, 2019

SENATE BILL

No. 310

Introduced by Senator Skinner

February 15, 2019

An act to amend Sections ~~197, 203, and 207~~ *197 and 203* of the Code of Civil Procedure, relating to juries.

LEGISLATIVE COUNSEL'S DIGEST

SB 310, as amended, Skinner. Jury selection.

(1) The Trial Jury Selection and Management Act (act) requires all persons be selected for jury service at random and from sources inclusive of a representative cross section of the population of the area served by the court. The act specifies that the list of registered voters and list of licensed drivers and identification cardholders who are resident within the area served by the court are appropriate source lists for the selection of jurors, and further specifies that these 2 source lists, when substantially purged of duplicate names, are considered inclusive of a representative cross section of the population.

~~This bill would recast and expand the types of sources to include, among others, the list of state tax filers. The bill would delete the requirement that certain other lists, when substantially purged of duplicate names, are considered inclusive of a representative cross section of the population.~~

This bill would add the list of state tax filers within the area served by the court as an appropriate list for the selection of jurors, and when substantially purged of duplicate names, would require this list, together

with the list of registered voters and the list of licensed drivers and identification cardholders, to be considered inclusive of a representative cross section of the population for the purposes of jury selection.

(2) The act prohibits persons who have been convicted of malfeasance in office or a felony, and whose civil rights have not been restored, from being eligible to be a trial juror.

This bill would delete the prohibition relative to persons who have been convicted of a felony from being qualified to be a trial juror, and instead prohibit persons while they are incarcerated in any prison or jail.

~~(3) The act requires the jury commissioner to maintain records regarding selection, qualification, and assignment of prospective jurors.~~

~~This bill would require the jury commissioner to develop an anonymous form for the purpose of determining whether the pool of prospective jurors who appear for jury service pursuant to a jury summons accurately represents a cross section of the population of the area served by the court. The bill would further require the jury commissioner to produce a report, twice yearly, that aggregates the data collected from the forms, and would require the superior court of each county to maintain the reports and make them publicly available. The bill would require litigants to be provided with copies of the lists of all jurors' names, including the identifying information of all persons who have previously served as jurors, in support of a motion to quash the venire or in discovery for that motion.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 197 of the Code of Civil Procedure is
2 amended to read:
3 197. (a) All persons selected for jury service shall be selected
4 at random, from a source or sources inclusive of a representative
5 cross section of the population of the area served by the court.
6 ~~Sources shall include the list of registered voters, the Department~~
7 ~~of Motor Vehicles' list of licensed drivers and identification~~
8 ~~cardholders, the list of state tax filers, and the list of utility~~
9 ~~company recipients, may include, in addition to other lists, lists~~
10 ~~of customer mailing, lists of telephone directories, or lists of utility~~
11 ~~company recipients, who reside within the area served by the court.~~

1 (b) *The list of registered voters, the Department of Motor*
2 *Vehicles' list of licensed drivers and identification cardholders,*
3 *and the list of state tax filers, within the area served by the court,*
4 *are appropriate lists for selection of jurors. These three source*
5 *lists, when substantially purged of duplicate names, shall be*
6 *considered inclusive of a representative cross section of the*
7 *population, within the meaning of subdivision (a).*

8 ~~(b)~~

9 (c) The Department of Motor Vehicles shall furnish the jury
10 commissioner of each county with the current list of the names,
11 addresses, and other identifying information of persons residing
12 in the county who are 18 years of age or older and who are holders
13 of a current driver's license or identification card issued pursuant
14 to Article 3 (commencing with Section 12800) of, or Article 5
15 (commencing with Section 13000) of, Chapter 1 of Division 6 of
16 the Vehicle Code. The conditions under which these lists shall be
17 compiled semiannually shall be determined by the director,
18 consistent with any rules that may be adopted by the Judicial
19 Council. This service shall be provided by the Department of Motor
20 Vehicles pursuant to Section 1812 of the Vehicle Code. The jury
21 commissioner shall not disclose the information furnished by the
22 Department of Motor Vehicles pursuant to this section to any
23 person, organization, or agency.

24 SEC. 2. Section 203 of the Code of Civil Procedure is amended
25 to read:

26 203. (a) All persons are eligible and qualified to be prospective
27 trial jurors, except the following:

28 (1) Persons who are not citizens of the United States.

29 (2) Persons who are less than 18 years of age.

30 (3) Persons who are not domiciliaries of the State of California,
31 as determined pursuant to Article 2 (commencing with Section
32 2020) of Chapter 1 of Division 2 of the Elections Code.

33 (4) Persons who are not residents of the jurisdiction wherein
34 they are summoned to serve.

35 (5) Persons who have been convicted of malfeasance in office
36 and whose civil rights have not been restored.

37 (6) Persons who are not possessed of sufficient knowledge of
38 the English language, provided that no person shall be deemed
39 incompetent solely because of the loss of sight or hearing in any
40 degree or other disability which impedes the person's ability to

1 communicate or which impairs or interferes with the person’s
2 mobility.

3 (7) Persons who are serving as grand or trial jurors in any court
4 of this state.

5 (8) Persons who are the subject of conservatorship.

6 (9) Persons while they are incarcerated in any prison or jail.

7 (b) No person shall be excluded from eligibility for jury service
8 in the State of California, for any reason other than those reasons
9 provided by this section.

10 SEC. 3. ~~Section 207 of the Code of Civil Procedure is amended~~
11 ~~to read:~~

12 ~~207. (a) The jury commissioner shall maintain records~~
13 ~~regarding selection, qualification, and assignment of prospective~~
14 ~~jurors.~~

15 ~~(b) (1) The jury commissioner shall develop a single-page,~~
16 ~~anonymous form for the purpose of determining whether the pool~~
17 ~~of prospective jurors who appear for jury service pursuant to a jury~~
18 ~~summons accurately represents a cross section of the population~~
19 ~~of the area served by the court.~~

20 ~~(2) The jury commissioner shall provide the form to each~~
21 ~~prospective juror when the juror first appears for jury service~~
22 ~~pursuant to a jury summons.~~

23 ~~(3) The jury commissioner shall use the form solely to collect~~
24 ~~the following information from a prospective juror:~~

25 ~~(A) Race.~~

26 ~~(B) Gender.~~

27 ~~(C) Ethnicity.~~

28 ~~(D) National origin.~~

29 ~~(E) ZIP Code.~~

30 ~~(4) The form shall not collect any personally identifying~~
31 ~~information.~~

32 ~~(5) Twice each year, the jury commissioner shall produce a~~
33 ~~report that aggregates the demographic data specified in paragraph~~
34 ~~(3). The superior court of each county shall maintain a copy of the~~
35 ~~jury commissioner’s reports and make them publicly available.~~

36 ~~(e) The jury commissioner shall maintain records providing a~~
37 ~~clear audit trail regarding a juror’s attendance, jury fees, and~~
38 ~~mileage.~~

39 ~~(d) All records and papers maintained or compiled by the jury~~
40 ~~commissioner in connection with the selection or service of a juror~~

1 may be kept on an electronic or microfilm medium and such
2 records shall be preserved for at least three years after the list used
3 in their selection is prepared, or for any longer period ordered by
4 the court or the jury commissioner.

5 (e) Litigants seeking to obtain copies of the lists of all jurors'
6 names, including the identifying information of all persons who
7 have previously served as jurors, in support of a motion to quash
8 the venire or in discovery for that motion, shall be provided copies
9 of the lists upon request. Litigants shall use the provided copies
10 of the lists only for the purpose of the motion to quash and shall
11 return the copies to the court at the conclusion of the litigation of
12 the motion.