
SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2017 - 2018 Regular Session

SB 576 (Wiener) - Jury commissioners: juror data collections and maintenance

Version: April 20, 2017

Policy Vote: JUD. 5 - 1

Urgency: No

Mandate: No

Hearing Date: May 15, 2017

Consultant: Shaun Naidu

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 576 would require jury commissioners to collect and maintain demographic data, as specified, from all prospective jurors who appear for jury service, to determine if the pool of prospective jurors accurately represents a cross section of the population of the area served by the court.

Fiscal Impact: Significant ongoing costs, potentially in the low hundreds of thousands of dollars annually (General Fund), to collect, analyze, and report on hundreds of thousands of questionnaires by all 58 county court systems. One-time minor costs to develop questionnaire.

Background: Each defendant has a right to a jury drawn from a fair cross section of the community. The cross section requirement functions as a means of ensuring a defendant has access to an impartial jury as required by the Sixth Amendment of the United States Constitution and Article I, Section 16, of the California Constitution. Under current law, persons shall be selected at random for jury service from sources that are inclusive of a representative cross section of the population of the area served by the court. The law provides that potential sources include, but are not limited to, customer mailing lists, telephone directories, or utility company lists. In addition, current law specifies that when purged of duplicate names, the list of registered voters and the Department of Motor Vehicles' list of licensed drivers and identification cardholders that reside in the area served by the court are inclusive of a representative cross section of the population. This establishes a presumption, oft-cited by courts when considering challenges to a jury venire, that these lists are by law adequate for protecting defendants' rights to an impartial jury.

Proposed Law: This bill would:

- Require a jury commissioner to develop a form, to be provided to each prospective juror when he or she first appears for jury service, for the purpose of determining if the pool of prospective jurors who appear for jury service accurately represents a cross section of the population of the area served by the court.
- Require the jury commissioner to use the form solely to collect specified demographic information.
- Prohibit using the form to collect personal identifying information or disclosing the form to any person, organization, or agency.
- Require the jury commissioner to biannually produce a report that aggregates the data collected from the forms, and require each county court to make these reports public.

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