

Advisory Committee on Criminal Jury Instructions

Annual Agenda¹—2024

Approved by Rules Committee: October 26, 2023

I. COMMITTEE INFORMATION

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| Chair: | Hon. Jeffrey S. Ross, San Francisco County Superior Court |
| Lead Staff: | Kara Portnow, Supervising Attorney, Criminal Justice Services |
| Committee's Charge/Membership: Rule 10.59 of the California Rules of Court states the charge of the Advisory Committee on Criminal Jury Instructions (CALCRIM), which is to regularly review case law and statutes affecting jury instructions and to make recommendations to the Judicial Council for updating, amending, and adding topics to the council's criminal jury instructions. Rule 10.59 also sets forth the membership position of the committee. The Advisory Committee on Criminal Jury Instructions currently has 13 members. The current committee roster is available on the committee's web page. | |
| Subcommittees/Working Groups²: The committee has one subcommittee, the CALCRIM Workgroup, currently consisting of six members who meet to pre-vet all materials before they go to the full committee for review. | |
| Meetings Planned for 2024³ (Advisory body and all subcommittees and working groups) Date/Time/Location or Teleconference: Two full committee meetings in person in June and November. Two workgroup meetings in May and October by videoconference. Dates and location TBD. | |
| <input checked="" type="checkbox"/> Check here if exception to policy is granted by Executive Office or rule of court. | |

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

| # | New or One-Time Projects ⁴ | |
|---|---------------------------------------|--|
| | No new projects planned at this time. | <i>Priority n/a⁵</i> |
| | | <i>Strategic Plan Goal n/a⁶</i> |
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| # | Ongoing Projects and Activities | |
|----|--|-------------------------------|
| 1. | Maintenance—Case Law and Legislation | <i>Priority 1(a)</i> |
| | | <i>Strategic Plan Goal IV</i> |
| | <p>Project Summary:⁷ Review case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.</p> <p>Fiscal Impact/Resources: No implementation costs are associated with this project.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Not applicable.</p> <p>AC Collaboration: Not applicable.</p> | |

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to or accurately reflect the law; 1(b) Council or an internal committee has directed the committee to consider new or amended rules and forms; 1(c) Change is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(d) Proposal is otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk. 2(a) Useful, but not necessary, to implement changes in law; 2(b) Responsive to identified concerns or problems; 2(c) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

| # Ongoing Projects and Activities | |
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| 2. | Maintenance—Comments from Users |
| | <i>Priority 1(a)</i> |
| <i>Strategic Plan Goal IV</i> | |
| <p>Project Summary: Review comments received from jury instruction users and propose any necessary changes and improvements. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.</p> <p>Fiscal Impact/Resources: No implementation costs are associated with this project.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Not applicable.</p> <p>AC Collaboration: Not applicable.</p> | |
| 3. | New Instructions and Expansion into New Areas. |
| | <i>Priority 1(a), 1(c)</i> |
| <i>Strategic Plan Goal IV</i> | |
| <p>Project Summary: Review suggestions received from jury instruction users, new legislation, and case law and propose new criminal jury instructions as appropriate. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.</p> <p>Fiscal Impact/Resources: No implementation costs are associated with this project.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Not applicable.</p> <p>AC Collaboration: Not applicable.</p> | |
| 4 | Technical Corrections. |
| | <i>Priority 2(c)</i> |
| <i>Strategic Plan Goal IV</i> | |

Project Summary: Make any necessary corrections or editing changes to the jury instructions. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.

Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.

Fiscal Impact/Resources: No implementation costs are associated with this project.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: Not applicable.

AC Collaboration: Not applicable.

III. LIST OF 2023 PROJECT ACCOMPLISHMENTS

| # | Project Highlights and Achievements |
|----|---|
| 1. | Maintenance—Case Law and Legislation: Reviewed case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required. Releases presented to Judicial Council for approval in March 2023 and September 2023. |
| 2. | Maintenance—Comments From Users: Reviewed comments received from jury instruction users and propose any necessary changes and improvements. Releases presented to Judicial Council for approval in March 2023 and September 2023. |
| 3. | New Instructions and Expansion into New Areas: Reviewed new legislation and case law and suggestions received from jury instruction users and proposed new criminal jury instructions as appropriate. Releases presented to Judicial Council for approval in March 2023 and September 2023. Drafted 11 new instructions for aggravating factors set forth in California Rules of Court, rule 4.421 (approved by the Judicial Council in March 2023), a new instruction about character evidence admitted under Evidence Code section 1103 (approved by the Judicial Council in March 2023), a new instruction about aiding and abetting implied malice murder (approved by the Judicial Council in September 2023) and a new instruction about implicit bias (approved by the Judicial Council in September 2023). |
| 4. | Technical Corrections: Made necessary corrections or editing changes to the jury instructions. Releases presented to Judicial Council for approval in March 2023 and September 2023. |