



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 18, 2019

Hon. Nancy Skinner, Chair
Senate Public Safety Committee
State Capitol, Room 5094
Sacramento, California 95814

Subject: Assembly Bill 310 (Santiago), as amended May 16, 2019 – Oppose categorical exemption provision; no position on remaining provisions
Hearing: Senate Public Safety Committee – June 25, 2019

Dear Senator Skinner:

The Judicial Council opposes the provisions of AB 310 that prohibit the selection of designated parole and correctional officers for voir dire in criminal matters.

The council has a longstanding policy of opposing categorical exemptions from jury service and has continually found that statutorily exempting specific categories of persons from jury duty reduces the number of available jurors, makes it more difficult to select representative juries, and unfairly increases the burden of jury service on other segments of the population. The courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors.

Furthermore, existing law and California Rules of Court make categorical exceptions unnecessary, as both authorize courts to grant a hardship excuse in appropriate circumstances and to make scheduling accommodations without requiring a court appearance. Hardships noted in the promotion of bills like AB 310, including lack of transportation, personal obligation to provide care for another, and that the prospective juror's services "are immediately needed for

Hon. Nancy Skinner

June 18, 2019

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the protection of the public health and safety,” would all be grounds constituting undue hardship under California Rules of Court, rule 2.1008.

Many changes in recent years designed specifically to lessen the burden of jury duty on citizens also render categorical exemptions unnecessary. Such changes include creation of a one day/one trial system statewide, improving the summons process to allow requests for excuses to be made, and adoption of a rule of court to ensure that jurors can request scheduling accommodations without appearing in court.

Courts must constantly balance the need to ensure access to the justice system with the need to respect jurors’ time. However, while jury service requires sacrifice on the part of citizens, exempting certain classes of individuals based on the burden it might put on them unfairly increases the burden on the others.

For these reasons, the Judicial Council opposes AB 310.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed June 19, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/jh

cc: Members, Senate Public Safety Committee
Hon. Miguel Santiago, Member of the Assembly
Ms. Danielle Sanchez, Legislative Director, Chief Probation Officers of California
Mr. Alberto Torrico, Lobbyist, State Coalition of Probation Organizations
Ms. Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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CORY T. JASPERSON
Director, Governmental Affairs

April 10, 2019

Hon. Reginald B. Jones-Sawyer, Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Assembly Bill 310 (Santiago), as amended March 20, 2019 – Oppose categorical exemption provision; no position on remaining provisions
Hearing: Assembly Public Safety Committee – April 23, 2019

Dear Assembly Member Jones-Sawyer:

The Judicial Council opposes the provisions of AB 310 that prohibit the selection of designated parole and correctional officers for voir dire in criminal matters.

The council has a longstanding policy of opposing categorical exemptions from jury service and has continually found that statutorily exempting specific categories of persons from jury duty reduces the number of available jurors, makes it more difficult to select representative juries, and unfairly increases the burden of jury service on other segments of the population. The courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors.

Furthermore, existing law and California Rules of Court make categorical exceptions unnecessary, as both authorize courts to grant a hardship excuse in appropriate circumstances and to make scheduling accommodations without requiring a court appearance. Hardships noted in the promotion of bills like AB 310, including lack of transportation, personal obligation to provide care for another, and that the prospective juror's services "are immediately needed for

Hon. Reginald B. Jones-Sawyer, Sr.

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the protection of the public health and safety,” would all be grounds constituting undue hardship under California Rules of Court, rule 2.1008.

Many changes in recent years designed specifically to lessen the burden of jury duty on citizens also render categorical exemptions unnecessary. Such changes include creation of a one day/one trial system statewide, improving the summons process to allow requests for excuses to be made, and adoption of a rule of court to ensure that jurors can request scheduling accommodations without appearing in court.

Courts must constantly balance the need to ensure access to the justice system with the need to respect jurors’ time. However, while jury service requires sacrifice on the part of citizens, exempting certain classes of individuals based on the burden it might put on them unfairly increases the burden on the others.

For these reasons, the Judicial Council opposes AB 310.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,



Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Assembly Public Safety Committee
Hon. Miguel Santiago, Member of the Assembly
Ms. Danielle Sanchez, Legislative Director, Chief Probation Officers of California
Mr. Alberto Torrico, Lobbyist, State Coalition of Probation Organizations
Ms. Nikki Moore, Counsel, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 9, 2019

Hon. Miguel Santiago
Member of the Assembly
State Capitol, Room 6027
Sacramento, California 95814

Subject: Assembly Bill 310 (Santiago), as amended March 20, 2019 – Oppose categorical exemption provision; no position on remaining provisions
Hearing: Assembly Public Safety Committee – April 23, 2019

Dear Assembly Member Santiago:

The Judicial Council opposes the provisions of AB 310 that prohibit the selection of designated parole and correctional officers for voir dire in criminal matters.

The council has a longstanding policy of opposing categorical exemptions from jury service and has continually found that statutorily exempting specific categories of persons from jury duty reduces the number of available jurors, makes it more difficult to select representative juries, and unfairly increases the burden of jury service on other segments of the population. The courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors.

Furthermore, existing law and California Rules of Court make categorical exceptions unnecessary, as both authorize courts to grant a hardship excuse in appropriate circumstances and to make scheduling accommodations without requiring a court appearance. Hardships noted

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April 9, 2019

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in the promotion of bills like AB 310, including lack of transportation, personal obligation to provide care for another, and that the prospective juror's services "are immediately needed for the protection of the public health and safety," would all be grounds constituting undue hardship under California Rules of Court, rule 2.1008.

Many changes in recent years designed specifically to lessen the burden of jury duty on citizens also render categorical exemptions unnecessary. Such changes include creation of a one day/one trial system statewide, improving the summons process to allow requests for excuses to be made, and adoption of a rule of court to ensure that jurors can request scheduling accommodations without appearing in court.

Courts must constantly balance the need to ensure access to the justice system with the need to respect jurors' time. However, while jury service requires sacrifice on the part of citizens, exempting certain classes of individuals based on the burden it might put on them unfairly increases the burden on the others.

For these reasons, the Judicial Council opposes AB 310.

Sincerely,

Mailed on April 10, 2019

Sharon Reilly

Attorney

SR/yc-s

cc: Ms. Danielle Sanchez, Legislative Director, Chief Probation Officers of California
Mr. Alberto Torrico, Lobbyist, State Coalition of Probation Organizations
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California