



Judicial Council of California

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INVITATION TO COMMENT

[ITC prefix as assigned]

Title

Judicial Council–Sponsored Legislation:
Juror and Prospective Juror Oaths Using
Plain Language

Action Requested

Review and submit comments by July 12,
2024

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. CCP § 232, subdivisions (a) and
(b)

Proposed Effective Date

January 1, 2026

Contact

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Proposed by

Court Executives Advisory Committee
David Yamasaki, Chair
Jury Administration and Management
Subcommittee
Darrel Parker, Chair

Executive Summary and Origin

The Court Executives Advisory Committee (CEAC) and Jury Administration and Management Subcommittee (JAMS) propose amending the oaths administered to jurors and prospective jurors in Cal. CCP § 232 to use plain language.

Background

The language for administering the oaths used for prospective jurors during voir dire and prior to seating a sworn trial jury are governed by Cal. CCP § 232. While other jury instructions utilize plain language developed by the Judicial Council's jury instruction committees, there has been no such change for these oaths. The statute has not been updated since 1989.

This item was originally raised by JCC staff in the Summer of 2023 and brought to JAMS for consideration. The subcommittee members voted in favor of taking it up for review. Subsequent discussion by JAMS resulted in a determination to propose developing a plain language alternative for these oaths. Jury Improvement Program (JIP) staff consulted with attorneys in Legal Services (LS) and Governmental Affairs (GA), as well as those supporting both jury instructions committees, as part of developing the proposed language. Upon finalizing the

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proposed language and presenting a tentative implementation plan, JAMS voted to recommend that CEAC support implementation of this proposal and staff subsequently reached out to Leadership Support Services (LSS) to follow-up on the subcommittee's instructions. This item was then discussed by LSS, the JIP, GA, as well as CEAC leadership. Ultimately, CEAC voted in favor of moving forward with this proposal.

The Proposal

The proposal would amend the language for juror and prospective juror oaths in Cal. CCP § 232, subdivisions (a) and (b). The proposal would replace them with new plain language oaths developed by Judicial Council staff and subject matter experts. As noted above, while all other jury instructions use plain language, these oaths do not and they have not been updated since 1989. This proposal would increase access to justice by ensuring jurors and prospective jurors are able to fully understand the oaths they take during jury selection and before commencing with a jury trial.

Alternatives Considered

The alternative of taking no action by not amending these oaths was considered. However, JAMS and CEAC determined that the use of plain language for jurors and prospective jurors should be consistent and that there is no compelling argument against this practice.

Fiscal and Operational Impacts

There are no expected fiscal impacts from this proposal. There would be minimal, if any, operational impacts from this proposal. The only actual change would be to the language of the oaths administered to jurors and prospective jurors by judicial officers during jury selection and immediately before proceeding with a jury trial. Given these factors, there are essentially no costs associated with this proposal.

Request for Specific Comments

In addition to comments on the overall proposal, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- What would the implementation requirements be for courts aside from notifying judicial officers of the change to these oaths?

Attachments and Links

1. Link A: Cal. CCP § 232,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=232
2. Proposed plain language for Cal. CCP § 232, subdivisions (a) and (b)

Proposed plain language for Cal. CCP § 232, subdivisions (a) and (b)

(a) Prior to the examination of prospective trial jurors in the panel assigned for voir dire, the following perjury acknowledgement and agreement shall be obtained from the panel, which shall be acknowledged by the prospective jurors with the statement “I do”:

~~“Do you, and each of you, understand and agree that you will accurately and truthfully answer, under penalty of perjury, all questions propounded to you concerning your qualifications and competency to serve as a trial juror in the matter pending before this court; and that failure to do so may subject you to criminal prosecution.”~~ *Do you understand and agree that you will accurately and truthfully answer all questions about your qualifications and ability to serve as a juror in this case, under the penalty of perjury, and that failure to do so may result in prosecution?*

(b) As soon as the selection of the trial jury is completed, the following acknowledgment and agreement shall be obtained from the trial jurors, which shall be acknowledged by the statement “I do”:

~~“Do you and each of you understand and agree that you will well and truly try the cause now pending before this court, and a true verdict render according only to the evidence presented to you and to the instructions of the court.”~~ *Do you understand and agree that you will carefully consider the case being heard in this court, and that you will reach a verdict based only on the evidence presented to you and the instructions given by the judge?*