



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 13, 2019

Hon. Gavin Newsom
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Senate Bill 471 (Stern)–Request for Signature

Dear Governor Newsom:

The Judicial Council respectfully requests your signature on SB 471, which authorizes the use of electronic subpoenas in addition to service of a subpoena made by delivery to the witness personally, or by mail or messenger. The council believes that SB 471 will promote procedural efficiencies by streamlining and modernizing the subpoena process in criminal proceedings, thereby making courts efficient through the use of electronic technology.

For these reasons, the Judicial Council requests your signature on SB 471.

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

Sincerely,

Mailed September 17, 2019

Cory T. Jaspersen
Director, Governmental Affairs

Hon. Gavin Newsom

September 13, 2019

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CTJ/SR/jh

cc: Hon. Henry Stern, Member of the Senate
Mr. Larry Morse, Legislative Director, California District Attorneys Association
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Lorraine Black, Consultant, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy and Budget
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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June 18, 2019

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

Subject: Senate Bill 471 (Stern), as introduced—Support if amended
Hearing: Assembly Public Safety Committee—June 25, 2019

Dear Assembly Member Jones-Sawyer:

The Judicial Council is pleased to support the provisions of SB 471 authorizing the use of electronic subpoenas if the bill is amended to either remove the requirement that the electronic subpoena use a unique subpoena number or make the use of a unique subpoena number optional.

The council has concerns about mandating the use of the unique electronic identifier, including (1) how it would work with Penal Code section 1326(a)(3), that requires the clerk, at any time, upon application of the defendant, and without charge, to issue as many blank subpoenas, subscribed by him or her, for witnesses in the state, as the defendant may require; (2) that the ability of courts to comply will depend on the capabilities of existing case management systems; and (3) it could require changes to existing case management systems.

It is unclear why a unique numeric identifier would be required for acknowledgment. Instead service could be acknowledged in the same manner required for subpoenas delivered by mail or messenger. Service is “effected when the witness acknowledges receipt of the subpoena to the sender, by telephone, by mail, over the Internet by e-mail or by completion of the sender’s online form, or in person, and identifies himself or herself by reference to his or her date of birth and his or her driver’s license number or Department of Motor Vehicles identification card number” (Pen. C. § 1328d(a)).

Hon. Reginald Jones-Sawyer, Sr.

June 18, 2019

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For these reasons, the Judicial Council supports SB 471 if amended.

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

Sincerely,

Mailed June 19, 2019

Cory T. Jasperson
Director, Governmental Affairs

CTJ/SR/jh

cc: Members, Assembly Public Safety Committee
Hon. Henry Stern, Member of the Senate
Mr. Larry Morse, Legislative Director, California District Attorneys Association
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Lorraine Black, Consultant, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy and Budget
Mr. Martin Hoshino, Administrative Director, Judicial Council of California