JUDICIAL COUNCIL OF CALIFORNIA

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May 25, 2017

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, California 95814

Subject: Senate Bill 576 (Wiener), as amended April 20, 2017 – Fiscal Impact Statement

Dear Senator Lara:

Senate Bill 576 requires jury commissioners to develop a single page anonymous form to collect specified demographic information about jurors to determine if the pool of jurors that appears for jury service pursuant to a jury summons accurately represents a cross section of the population of the area served by the court. The jury commissioner is required to provide the form to each prospective juror; the form shall not be used to collect any personally identifying information; a form that is filled out by a prospective juror shall not be disclosed to any person, organization, or agency; and, twice each year the jury commissioner shall produce a report that aggregates the demographic data specified in the bill, which shall be maintained by the court and made publicly available.

Fiscal Impacts

There are unfunded costs associated with SB 576, estimated at $90,700 in the first year, and $76,200 ongoing. First, the jury commissioner must create a form. The amount of time required to produce a legally viable form requesting demographic data will require one-time staff costs at

each of the 58 courts of an estimated 5 hours per court, including drafting the form, and verifying the form meets the requirements of the bill while also meeting constitutional provisions. Costs are expected to be at least $14,500.[1]

Courts are required to provide each prospective juror who appears for jury service pursuant to a jury summons the demographic form described above. Each year, an estimated one million jurors arrive at court in response to a jury summons. The costs for labor, ink and paper per one-page form is estimated to be 3 cents per page, for a total of $30,000.[2] Explaining the forms to assembled jurors, distributing the forms to jurors, answering form-related questions, and then collecting and filing them, could be accomplished quickly; we estimate that a court clerk could distribute, respond to questions about, and collect forms at a rate of 15 forms per minute (four seconds each) for a total new cost of about $33,000 every year.[3]

The jury commissioner is responsible for aggregating the data twice a year. For a small court in which a few hundred jurors report for jury service each year, this aggregation of data could take the better part of a week. In a court serving a million people, the time to aggregate the data twice a year could be several weeks; and, in a court the size of San Diego, Orange, or Los Angeles, the time to aggregate data for this report that is for the purpose of being "publicly available" could be hundreds of hours. We estimate a range of costs to prepare the report, from $2,400[4] to $24,000[5] per court per year (for two reports).

In addition to the hard costs that will result should the bill be signed into law, SB 576 raises fiscal questions related to why courts should be required, without funding, to undertake the collection and reporting of data that will be voluntary on the part of jurors and therefore incomplete, and likewise not scientifically valid for the purpose of drawing conclusions about juror demographics compared to county demographics. California's trial courts remain hundreds of millions of dollars underfunded, and that number is anticipated to increase next fiscal year as a result of declining revenues and ongoing unfunded legislative and ballot initiative mandates.

Moreover, the judicial branch researches, prepares and presents over 4,500 pages of reports to the Legislature each year as required by statute and budget control language.

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[1] 58 courts x 5 hours each = 290 hours @ an average cost of $50 per hour for jury commissioners = $14,500

[2] $.03 x 1,000,000 jurors = $30,000; $.03 is a common bulk discount rate charged by volume copy centers for a single-sided black and white copy on regular office quality, recycled content paper

[3] 1,000,000 people processed at a rate of 15 people per minute is 66,667 minutes; divided by 60 minutes per hour = 1,111 hours; X $30 per hour for the wages and benefits of a jury clerk = $33,333.

[4] Assuming 24 hours to prepare the report (small courts): $50 X 24 = $1,200 x 2 = $2,400

[5] Assuming 240 hours at an average of $50 per hour (a combination of clerk wages, which are less, and court executive officer wages, which are more) to prepare the reports (large courts): $50 X 240 - $12,000 x 2 = $24,000

Please note that the information contained in this analysis does not constitute a position in favor or against the proposed legislation by the Judicial Council of California, and sets forth only the considerations related to the fiscal burdens that are likely to be faced by the branch and branch entities should the bill be enacted into law.

Please contact me if you have questions about the information contained in this letter.

Sincerely,

Mailed on May 26, 2017

Cory T. Jasperson,
Director, Governmental Affairs

CTJ/AL/yc-s
cc: Members, Senate Appropriations Committee
Hon. Scott Wiener, Member of the Senate
Mr. Shaun Naidu, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Ms. Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Emma Jungwirth, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California