



Judicial Council of California

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PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

MICHELLE CURRAN
Administrative Director

June 2, 2025

Hon. Jesse Arreguín
Chair, Senate Public Safety Committee
1020 N Street, Room 545
Sacramento, California 95814

Subject: Assembly Bill 387 (Alanis), as amended March 5, 2025—Oppose
Hearing: Senate Public Safety Committee—June 10, 2025

Dear Senator Arreguín:

The Judicial Council must regrettably oppose Assembly Bill 387, which exempts probation officers, as defined, from being selected for voir dire in criminal matters. While we appreciate the most recent amendments to the bill to remove the exemption for civil matters, the council remains in opposition to an exemption for probation officers from service on criminal juries.

The council has a longstanding policy of opposing categorical exemptions from jury service and believes that statutorily exempting specific categories of persons from jury duty reduces the number of available jurors, makes it more difficult to select representative juries, unfairly increases the burden of jury service on other segments of the population, and is unnecessary as existing law allows for exemptions based on hardships.

In principle, the jury system shares the same core tenet as a democracy, namely, that the most equitable way of managing societal affairs is to ensure all different segments of our community are afforded a meaningful opportunity to participate in, and help inform, significant decisions. Constitutional law has interpreted the Sixth Amendment's right to an impartial jury to mean that a jury should ideally be a body that is a fairly representative cross section of the community.¹ As pointed out in *Thiel*, this does not mean,

that every jury must contain representatives of all the economic, social, religious, racial, political, and geographical groups of the community... [however,] it does mean that prospective jurors shall be selected by court

¹ *Thiel v. Southern Pacific Co.* (1946) 328 U.S. 217, 220 (hereafter *Thiel*).

officials without systematic and intentional exclusion of any of these groups.. Jury competence is an individual rather than a group or class matter.. To disregard it is to open the door to class distinctions and discriminations which are abhorrent to the democratic ideals of trial by jury.²

For decades, there have been repeated attempts to exclude certain groups from participating in the jury process.³ Although the constitutionality of categorical exemptions would be decided on a case-by-case basis, our concern derives from the exhortation for restraint issued by the United States Supreme Court when discussing categorical jury duty exemptions. In warning state legislatures to be mindful when creating categorical exemptions it stated, “We stress, however, that the constitutional guarantee to a jury drawn from a fair cross section of the community requires that States exercise proper caution in exempting broad categories of persons from jury service.”⁴

While existing law exempts only certain types of peace officers, at one point of time in California’s history, the Code of Civil Procedure exempted 17 different occupations from jury service.¹ Among other occupations, the list included teachers, doctors, faith healers, merchant seamen, clergy, railroad employees, attorneys, peace officers, telephone and telegraph operators, firefighters, military personnel, and dentists.² Then in 1975, AB 681 (Siegler) ch. 593, repealed the entire list and replaced it a general provision which allowed for an excusal if jury duty would be an undue hardship on the person or public served by the person.³

After the lists of exempt occupations was repealed in 1975 and the undue hardship rule was created, the Legislature has since reinstated several exemptions. According to a Senate Judiciary Committee analysis from 2015:

First, a full exemption from jury duty was re-established for “line” peace officers—police, sheriffs, CHP—by passage of SB 549 (Wilson, Ch. 748, Stats. 1977), the rationale being that such individuals were rarely chosen to serve and a vital public resource was wasted in attendance through the process of jury selection. This exemption was later extended to judges. Then in 1988, a comprehensive revision of the law relating to juries was enacted by AB 2617 (Harris, Ch. 1245, Stats. 1988) wherein the exemption for judges was removed, and the peace officer exemption was limited to criminal matters only. Again, in 1992, the peace officer exemption was expanded to include civil cases and, two years later, an exemption from voir dire in criminal cases was extended to California State University and University of California police. Finally, in 2001, an exemption was provided for Bay Area Rapid Transit [BART] District police from jury duty in civil and criminal matters.

² *Thiel*, *supra*, 328 U.S. at p. 220.

³ Legal Information Institute. *Right to an Impartial Jury: Current Doctrine*. Cornell Law School <<https://www.law.cornell.edu/constitution-conan/amendment-6/right-to-an-impartial-jury-current-doctrine#fn7>> [as of Jun. 2, 2025].

⁴ *Duren v. Missouri* (1979) 439 U.S. 357, 370.

(Sen. Comm. on Judiciary, Analysis of Sen. Bill No. 428 (Hall) (2015-16 Reg. Sess.) p. 1.)

Although BART officers were the last occupation to successfully exempt themselves from jury duty, throughout the years numerous bills have been introduced that attempted to exempt certain occupations. These occupations include firefighters⁴, nurses⁵, judges⁶, self-employed persons⁷, community college and school district police⁸, and correctional, parole, and probation officers.⁹ While many of these bills failed passage in the legislature, two of the bills were expressly vetoed. In vetoing AB 2240 (Grayson), of the 2017-18 legislative session, which would have exempted probation, parole, and correctional officers, Governor Brown stated, “Jury service is a fundamental obligation of citizenship. I am not inclined to expand the list of those exempt simply because of their occupation.” In his veto message of AB 1769 (Galgiani), which would have exempted community college and school district officers, Governor Schwarzenegger specifically noted how the current rule for undue hardship gives flexibility to jurors:

“Currently a specified group of peace officers are exempt from voir dire due to the public need of their critical public safety function. This bill would extend the exemption to yet another specified group, in this instance police and peace officers employed by a community college or school district. All peace officers perform critical public safety functions but not all are exempt. In addition, this bill could reduce the pool of potential jurors, thus creating a strain on the judicial system. The judicial system already has enough difficulty gathering potential jurors. In the event that an officer is unable to serve on a jury, current law already allows jury service exemption for undue hardship, which renders this bill unnecessary.”

(AB 1769 (Galgiani) of the 2007-08 legislative session.)

Part of the council’s reasoning for opposing such categorical exemptions is its belief that the existing jury duty structure contains enough flexibility for jurors whose lives would be unduly burdened if they had to serve. Current law continues to allow an individual to be excused from jury service for undue hardship upon themselves or the public. (Code Civ. Proc. § 204(b).) Jurors can be excused on the ground of undue hardship for a variety of reasons; including if their services are immediately needed for the protection of public health and safety, in cases where alternative arrangements would substantially reduce essential public services. (Cal. Rules of Court, rule 2.1008(6).) In addition to the existing rules for the general public, probation officers are given greater scheduling accommodations. Code of Civil Procedure section 219.5 required the Judicial Council to adopt a rule of court to give certain peace officers, including probation officers, scheduling accommodations when necessary. Accordingly, for members of the general public, a jury commissioner should try to accommodate a juror’s schedule by granting a one-time deferral of jury service, and should not require a juror appear in person to make the request if it was sent under penalty of perjury. (Cal. Rules of Court, rule 2.1004(a).) However, for specified officers, including probation officers, the jury commissioner must make scheduling accommodations with no limit on how many deferrals can be made, and they cannot require a probation officer to make the request in person if it was sent under penalty of perjury. (Cal. Rules of Court, rule 2.1004(b).)

Hon. Jesse Arreguín

June 2, 2025

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While probation officers play a significant role in the criminal justice system, along with district attorneys, defense attorneys, judges, court clerks, and numerous other nonexempt occupations, the council respectfully believes the list of categorical exemptions should not be further expanded.

For these reasons, the Judicial Council opposes AB 387.

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

Sincerely,



Cory T. Jasperson
Director
Governmental Affairs

CTJ/MR/jh

cc: Members, Senate Public Safety Committee
Hon. Juan Alanis, Member of the Assembly, 22nd District
Cheryl Anderson, Counsel, Senate Public Safety Committee
Eric Czismar, Consultant, Senate Republican Office
Jith Meganathan, Deputy Legislative Secretary, Office of the Governor
Michelle Curran, Administrative Director, Judicial Council of California

¹ Assem. Comm. on Judiciary, Analysis of Assem. Bill No. 999 (Boland) (1993-1994 Reg. Sess.) as introduced Mar. 1, 1993, p. 1. http://leginfo.ca.gov/pub/93-94/bill/asm/ab_0951-1000/ab_999_cfa_930513_084409_asm_comm; Code Civ. Proc. § 219.

² *Ibid.*

³ California State Assembly, Office of the Chief Clerk. *Statutes of California, 1975-76, Regular Session: 1975 Chapters*. Chapter 593, p. 1310.

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⁴ AB 999 (Boland) of the 1993-94 legislative session. AB 999 failed passage in the Senate Judiciary Committee.

⁵ *Ibid.*

⁶ SB 801 (Poochigian) of the 1999-00 legislative session. SB 801 failed passage in the Senate Judiciary Committee.

⁷ SB 1864 (Mountjoy) of the 1999-00 legislative session. SB 1864 failed passage in the Senate Judiciary Committee.

⁸ AB 1769 (Galgiani) of the 2007-08 legislative session. AB 1769 was vetoed by Governor Schwarzenegger.

⁹ AB 1970 (Matthews) of the 2001-02 legislative session. AB 1970 failed passage in the Senate Public Safety Committee; SB 428 (Hall) of the 2015-16 legislative session. SB 428 failed passage in the Judiciary Committee; AB 2240 (Grayson) of the 2017-18 legislative session. AB 2240 was vetoed by Governor Brown; AB 310 (Santiago) of the 2019-20 legislative session. AB 310 failed passage in the Senate Governance and Finance Committee.



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PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

MICHELLE CURRAN
Administrative Director

March 7, 2025

Hon. Ash Kalra
Chair, Assembly Judiciary Committee
1020 N Street, Room 114
Sacramento, California 95814

Subject: Assembly Bill 387 (Alanis), as amended March 5, 2025—Oppose
Hearing: Assembly Judiciary Committee—March 11, 2025

Dear Assembly Member Kalra:

The Judicial Council must regretfully oppose Assembly Bill 387, which exempts probation officers, as defined, from being selected for voir dire in criminal matters. While we appreciate the most recent amendments to remove civil matters from the bill, the council remains in opposition to an exemption for probation officers from criminal juries.

The council has a longstanding policy of opposing categorical exemptions from jury service and believes 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.

While existing law exempts only certain types of peace officers, at one point of time in California's history, the Code of Civil Procedure exempted 17 different occupations from jury service.¹ Among other occupations, the list included teachers, doctors, faith healers, merchant seamen, clergy, railroad employees, attorneys, peace officers, telephone and telegraph operators, firefighters, military personnel, and dentists.² Then in 1975, AB 681 (Sieglar) ch. 593, repealed the entire list and replaced it with a general provision which allowed for an excusal if jury duty would be an undue hardship on the person or public served by the person.³

After the list of exempt occupations was repealed in 1975 and the undue hardship rule was created, the Legislature has since reinstated a number of exemptions. According to a Senate Judiciary Committee analysis from 2015:

First, a full exemption from jury duty was re-established for “line” peace officers—police, sheriffs, CHP—by passage of SB 549 (Wilson, Ch. 748, Stats. 1977), the rationale being that such individuals were rarely chosen to serve and a vital public resource was wasted in attendance through the process of jury selection. This exemption was later extended to judges. Then in 1988, a comprehensive revision of the law relating to juries was enacted by AB 2617 (Harris, Ch. 1245, Stats. 1988) wherein the exemption for judges was removed, and the peace officer exemption was limited to criminal matters only. Again, in 1992, the peace officer exemption was expanded to include civil cases and, two years later, an exemption from voir dire in criminal cases was extended to California State University and University of California police. Finally, in 2001, an exemption was provided for Bay Area Rapid Transit [BART] District police from jury duty in civil and criminal matters.

(Sen. Comm. on Judiciary, Analysis of Sen. Bill No. 428 (Hall) (2015-16 Reg. Sess.) p. 1.)

Although BART officers were the last occupation to successfully exempt themselves from jury duty, throughout the years numerous bills have been introduced that attempted to exempt certain occupations. These occupations include firefighters⁴, nurses⁵, judges⁶, self-employed persons⁷, community college and school district police⁸, and correctional, parole, and probation officers.⁹ While many of these bills failed passage in the legislature, two of the bills were expressly vetoed. In vetoing AB 2240 (Grayson), of the 2017-18 legislative session, which would have exempted probation, parole, and correctional officers, Governor Brown stated, “Jury service is a fundamental obligation of citizenship. I am not inclined to expand the list of those exempt simply because of their occupation.” In his veto message of AB 1769 (Galgiani), which would have exempted community college and school district officers, Governor Schwarzenegger specifically noted how the current rule for undue hardship gives flexibility to jurors:

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had to serve. Current law continues to allow an individual to be excused from jury service for undue hardship upon themselves or the public. (Code Civ. Proc. § 204(b).) Jurors can be excused on the ground of undue hardship for a variety of reasons; including if their services are immediately needed for the protection of public health and safety, in cases where alternative arrangements would substantially reduce essential public services. (Cal. Rules of Court, rule 2.1008(6).) In addition to the existing rules for the general public, probation officers are given greater scheduling accommodations under Code of Civil Procedure section 219.5 that required the Judicial Council to adopt a rule of court to give certain peace officers, including probation officers, scheduling accommodations when necessary. Accordingly, for members of the general public, a jury commissioner should try to accommodate a juror's schedule by granting a one-time deferral of jury service, and should not require a juror appear in person to make the request if it was sent under penalty of perjury. (Cal. Rules of Court, rule 2.1004(a).) However, for specified officers, including probation officers, the jury commissioner must make scheduling accommodations with no limit on how many deferrals can be made, and they cannot require a probation officer to make the request in person if it was sent under penalty of perjury. (Cal. Rules of Court, rule 2.1004(b).)

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Sincerely,



Cory T. Jasperson
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CTJ/MR/lmm

cc: Members, Assembly Judiciary Committee
Hon. Juan Alanis, Member of the Assembly, 22nd District
Nicholas Liedtke, Deputy Chief Counsel, Assembly Judiciary Committee
Gary Olson, Consultant, Assembly Republican Office of Policy and Budget
Jith Meganathan, Deputy Legislative Secretary, Office of the Governor
Michelle Curran, Administrative Director, Judicial Council of California

¹ Assem. Comm. on Judiciary, Analysis of Assem. Bill No. 999 (Boland) (1993-1994 Reg. Sess.) as introduced Mar. 1, 1993, p. 1. http://leginfo.ca.gov/pub/93-94/bill/asm/ab_0951-1000/ab_999_cfa_930513_084409_asm_comm; Code Civ. Proc. § 219.

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