



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

June 1, 2005

Hon. Elaine Alquist
Member of the Senate
State Capitol, Room 4088
Sacramento, California 95814

Subject: SB 171 (Alquist), as amended May 27, 2005 – Withdrawal of Opposition

Dear Senator Alquist:

The May 27, 2005 amendments to SB 171 resolve the Judicial Council's concerns regarding codification the instructions that the court must deliver verbatim to the jury. Therefore, the council is pleased to inform you that we are withdrawing opposition to the bill.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

June Clark
Senior Attorney

JC/yt

cc: Francisco Lobaco, American Civil Liberties Union
Barry Broad, California Public Defenders Association
Karen Pank, Deputy Legislative Secretary, Office of the Governor
Sue Blake, Assistant Director of Legislation, Office of Planning and Research



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April 29, 2005

Honorable Elaine Alquist
Member of the Senate
State Capitol, Room 4088
Sacramento, California 95814

Subject: SB 171 (Alquist), as amended April 4, 2005 – Oppose unless amended
Hearing: Senate Appropriations Committee – May 2, 2005

Dear Senator Alquist:

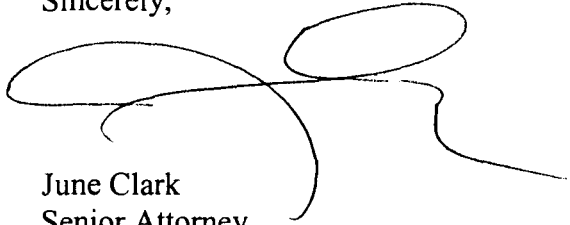
The Judicial Council is neutral on the policy of recording custodial interrogations, but must oppose SB 171 unless it is amended to strike the provision codifying the instructions that the court must deliver verbatim to the jury.

Jury instructions must be flexible enough to accommodate changes in response to case law and the facts of the case. Judges, both as CALJIC members and members of the Judicial Council's Jury Instruction Task Force, have developed considerably broad and deep expertise in the drafting of jury instructions. Moreover, the instruction contained in SB 171 does not follow the Jury Instruction Task Force's general drafting principles, which include drafting in plain English and making instructions more understandable to jurors. Jury instructions should be drafted to allow the court to instruct on the principles of law relevant to the issues raised by the evidence, rather than to bind the court to specific language.

Hon. Elaine Alquist
April 29, 2005
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For these reasons, the Judicial Council opposes SB 171, unless it is amended as described.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the typed name.

June Clark
Senior Attorney

JC/yt

cc: American Civil Liberties Union
California Public Defenders Association
Karen Pank, Deputy Legislative Secretary, Office of the Governor
Sue Blake, Assistant Director of Legislation
Office of Planning and Research