



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

April 23, 2014

Hon. Joel Anderson
Member of the Senate
State Capitol, Room 5052
Sacramento, California 95814

Subject: SB 1133 (Anderson), as introduced - Oppose

Dear Senator Anderson:

The Judicial Council regrettably opposes SB 1133, which exempts designated employees of the Department of Fish and Game, whose primary duty as peace officers is enforcement of the law, from voir dire in both civil and criminal matters.

The council opposes SB 1133, which is consistent with the council's longstanding policy on categorical exemptions from jury service. 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.

The courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors. More than three million individuals are required as potential jurors each year in California's courts. Los Angeles County alone requires 8,000 citizens to report *each day* to ensure enough jurors are available for that county's

trials. Categorical exemptions complicate this task, especially given the policies that are in place to grant an excuse or make a scheduling accommodation on a case-by-case basis.

Courts must constantly balance the need to ensure access to the justice system with the need to respect jurors' time. Many changes in recent years designed specifically to lessen the burden of jury duty on citizens, renders categorized exemptions unnecessary. Such changes include creation of a one day/one trial system statewide, improving the summons process to allow requests for excuses to be made, and adoption of a rule of court to ensure that jurors can request scheduling accommodations without appearing in court.

Categorical exemptions are unnecessary because existing law and rules of court authorize courts to grant a hardship excuse in appropriate circumstances and to make scheduling accommodations without requiring a court appearance. The Judicial Council specifically adopted a rule pertaining to service by public safety officers, which provides that when a prospective juror's services "*are immediately needed for the protection of the public health and safety*" that is grounds constituting undue hardship under California Rules of Court, rule 2.1008. The Judicial Council believes that while jury service requires sacrifice on the part of citizens, exempting certain classes of individuals on the basis of the burden it might put on them unfairly increases the burden on the others.

For these reasons, the Judicial Council opposes SB 1133.

Sincerely,

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Mr. Patrick Foy, Lieutenant Specialist, California Fish & Game Wardens Supervisors and
Managers Association

Ms. June Clark, Deputy Legislative Secretary, Office of the Governor



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Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 5080
Sacramento, California 95814

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cc: Members, Senate Judiciary Committee
Hon. Joel Anderson, Member of the Senate
Mr. Patrick Foy, Lieutenant Specialist, California Fish & Game Wardens Supervisors
and Managers Association
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy