JUDICIAL COUNCIL OF CALIFORNIA

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May 1, 2015

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: SB 428 (Hall), as introduced - Oppose
Hearing: Senate Judiciary Committee – May 12, 2015

Dear Senator Jackson:

The Judicial Council regretfully opposes SB 428, which excludes additional peace officers, including certain parole officers, probation officers, deputy probation officers, board coordinating parole agents, correctional officers, transportation officers of a probation department, and other employees of the Department of Corrections and Rehabilitation, the State Department of State Hospitals, and the Board of Parole Hearings, from voir dire in criminal matters.

The council's opposition to SB 428 is consistent with the council's longstanding policy of opposing 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.

Further the council believes that 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. Lack of transportation, personal obligation to provide care for another, and that the prospective juror's services "*are immediately needed for the protection of the public health and safety*" are grounds constituting undue hardship under California Rules of Court, rule 2.1008. 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 428.

Sincerely,

Sharon Reilly
Senior Attorney

SR/yc-s
cc: Members, Senate Judiciary Committee
Hon. Isadore Hall, Member of the Senate
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council