

Assembly Bill No. 881

Passed the Assembly September 7, 2023

Chief Clerk of the Assembly

Passed the Senate September 6, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 240 of the Code of Civil Procedure, relating to jury duty.

LEGISLATIVE COUNSEL'S DIGEST

AB 881, Ting. Juror fees: pilot program.

Existing law, the Trial Jury Selection and Management Act, requires all persons be selected for jury service at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. The act further requires a juror in a civil or criminal superior court case to be paid a fee of \$15 a day for each day's attendance as a juror after the first day, except as specified, plus reimbursement for mileage.

Existing law authorizes the Superior Court of San Francisco to conduct a pilot program until December 31, 2023, to analyze and determine whether paying certain low-income trial jurors \$100 per day for each day they are required to report for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel that more accurately reflects the demographics of the community.

This bill would expand the above-described pilot program to include, upon appropriation for these purposes, the superior court in 4 additional counties selected by the Judicial Council that reflect urban and rural diversity. The bill would require the Judicial Council to administer funding for the pilot program court, and would authorize the Judicial Council to accept private or other funds for administration of the pilot program. The bill would authorize the Superior Court of San Francisco to operate the pilot program using local, state, or other funding regardless of whether an appropriation is made for this purpose. The bill would require the pilot program court to collect data self-reported by jurors who receive the increased fee and would require the Judicial Council to prepare an analysis and report of that data and conclusion about the pilot program. The bill would require the pilot program court to terminate the pilot program on or before December 31, 2025, or at any time it determines the increased financial reimbursement

is causing prejudice to the rights of litigants or the interests of justice. The bill would repeal these provisions on January 1, 2027.

The people of the State of California do enact as follows:

SECTION 1. Section 240 of the Code of Civil Procedure is amended to read:

240. (a) Notwithstanding any other law, including Section 215, the Superior Court of San Francisco and, subject to an appropriation for these purposes, the superior court in four additional counties selected by the Judicial Council that reflect urban and rural diversity shall conduct a pilot program pursuant to the requirements of this section to analyze and determine whether paying certain low-income trial jurors an increased fee for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel that more accurately reflects the demographics of the community.

(b) The fee for service as a trial juror in a criminal case paid pursuant to the pilot program shall be as follows:

(1) Except as provided in paragraph (2), a trial juror in a criminal case shall be paid the fee required by Section 215.

(2) A trial juror in a criminal case shall be paid a fee of one hundred dollars (\$100) per day for each day they are required to report for service as a trial juror if the trial juror's household income for the past 12 months is less than 80 percent of the area median income of the county in which the superior court is located and the trial juror meets one of the additional following criteria:

(A) The trial juror's employer does not compensate for any trial jury service.

(B) The trial juror's employer does not compensate for trial jury service for the estimated duration of the criminal jury trial.

(C) The trial juror is self-employed.

(D) The trial juror is unemployed.

(c) The pilot program court shall determine whether a trial juror is eligible for the one-hundred-dollar (\$100) fee for service in a criminal jury trial pursuant to paragraph (2) of subdivision (b).

(d) The Judicial Council shall administer funding for the pilot program court. The Judicial Council may accept private or other funds for administration of the pilot program court. The Superior Court of San Francisco may operate the pilot program using local,

state, or other funding regardless of whether an appropriation is made for this purpose.

(e) The pilot program court and court staff shall provide information about the pilot program whenever applicable under the circumstances. The pilot program court shall develop the materials and language to describe the pilot program to prospective jurors.

(f) The pilot program court shall implement a juror self-reporting data collection effort to collect data during the pilot program that allows a thorough analysis of whether paying certain low-income trial jurors an increased fee for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel that more accurately reflects the demographics of the community. The data collected shall include, to the maximum extent possible, the race, ethnicity, and income level of all trial jurors that receive the one-hundred-dollar (\$100) fee for service as a trial juror. The Judicial Council shall design the self-reporting data collection survey and the pilot program court shall use existing resources and leverage technology to disseminate and collect surveys from jurors.

(g) The Judicial Council shall prepare a report of its analysis of the data and conclusion whether paying certain low-income trial jurors an increased fee for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel that more accurately reflects the demographics of the community. The Judicial Council shall transmit its report to the pilot program court and the Legislature, in compliance with Section 9795 of the Government Code, within six months of the conclusion of the pilot program.

(h) The pilot program court shall terminate the pilot program on or before December 31, 2025. The pilot program court shall terminate the pilot program if at any time it determines the increased financial reimbursement is causing prejudice to the rights of litigants or the interests of justice.

(i) For the purposes of this section only, “pilot program court” means the Superior Court of San Francisco and, subject to an appropriation for these purposes, the superior court in four additional counties selected by the Judicial Council that reflect urban and rural diversity.

(j) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

Approved _____, 2023

Governor