

File No. 230274

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: March 14, 2023

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Prepared by: Arthur Khoo

Date: March 9, 2023

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 881 (Ting) - Be The Jury California]

2

3 **Resolution supporting California State Assembly Bill No. 881, Be The Jury California,**
4 **authored by Assembly Member Phil Ting, to increase jury diversity in California by**
5 **eliminating economic hardship barriers with raising juror pay.**

6

7 WHEREAS, The Constitution guarantees the right to a trial by a jury of peers and while
8 juries should draw jurors from different races, genders, and socioeconomic classes, most
9 juries trend whiter and wealthier, and not reflective of our communities' economic or racial
10 diversity; and

11 WHEREAS, California, like many states, requires employers to provide time off for
12 employees who are summoned to jury duty and while time off work is guaranteed, paying
13 employees is not; and

14 WHEREAS, If a juror's employer does not cover their salary, jurors earn nothing on
15 their first day of service and only \$15 per day after that; and

16 WHEREAS, Because many low-income families cannot afford to forfeit days, weeks, or
17 months of their salary, they file a claim of financial hardship and are excused from service;
18 and

19 WHEREAS, A 2004 report presented to the Judicial Council from the Task Force on
20 Jury System Improvements, the Commission called the rate paid to California jurors for daily
21 service and mileage "insulting"; and

22 WHEREAS, Consequently, jury pools tend to be composed of people who can afford to
23 serve unpaid or whose employers will pay them while they're serving; and

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1 WHEREAS, In 2021, Governor Newsom signed Assembly Bill (AB) 1452 (Ting), which
2 created the “Be The Jury” pilot program at San Francisco Superior Court where jury pay for
3 criminal cases was increased to \$100 for low to moderate income San Franciscans; and

4 WHEREAS, In March 2022, the San Francisco Treasurer’s Financial Justice Project, in
5 partnership with the San Francisco Superior Court, Public Defender’s Office, District
6 Attorney’s Office, and Bar Association, launched “Be The Jury” program in San Francisco to
7 increase the daily juror stipend from \$15 per day to \$100 to eliminate jurors facing financial
8 hardship; and

9 WHEREAS, To date, the results are as follows: (1) the diversity of program participants
10 matched San Francisco’s at large population where 63 percent of participants identified as
11 “people of color;” (2) the average household income for participants was under \$40,000,
12 significantly below the \$97,000 area median household income in San Francisco; and (3) 81
13 percent of participants said they would not have been able to participate in jury duty without
14 financial assistance from the pilot program; and

15 WHEREAS, Assembly Bill No. 881 (AB 881) would apply the “Be The Jury” program
16 statewide by increasing jury pay for criminal cases to \$100 per day of jury service for low to
17 moderate-income Californians; and

18 WHEREAS, AB 881 also makes the \$15 the base - not the cap - giving courts flexibility
19 to increase pay for civil or criminal cases should they choose to in order to promote more
20 economically and racially diverse jury panels across the State so that they accurately reflect
21 community demographics; and

22 WHEREAS, The criteria for eligibility is that the individual’s income for the past 12
23 months must be less than eighty percent of the area median income and that at least one of
24 the following criterial is met: 1) their employer does not compensate for jury service or for the
25

1 estimated duration of jury service; or 2) they are self-employed; or 3) they are unemployed;
2 and

3 WHEREAS, AB 881 is supported by both prosecutors and public defenders; now,
4 therefore, be it

5 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
6 Assembly Bill No. 881 and urges the California State Legislature to pass this bill in order to
7 remove financial hardship barriers to increase the diversity for all California jurors so that
8 juries can be reflective of the community; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
10 Board to transmit a copy of this Resolution to the California Senate President pro Tempore
11 Toni Atkins, California Assembly Speaker Anthony Rendon, Governor Gavin Newsom, and
12 the Bill's primary sponsor, Assembly Member Phil Ting.

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ASSEMBLY BILL

No. 881

Introduced by Assembly Member Ting

February 14, 2023

An act to amend Section 215 of the Code of Civil Procedure, relating to jury duty.

LEGISLATIVE COUNSEL'S DIGEST

AB 881, as introduced, Ting. Jury duty.

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 also establishes the Trial Court Trust Fund for the purpose of funding trial court operations. For purposes of those provisions, court operations are defined to include, among other things, juror expenses such as per diem fees and mileage.

Existing law authorizes the Superior Court of San Francisco to conduct a pilot program 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 require a juror in a civil or criminal case to be paid a fee of not less than \$15 a day for each day's attendance as a juror after the first day, except as specified, but would increase the daily fee to

\$100 a day for qualifying low-income trial jurors for criminal cases in the superior court in all counties.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 215 of the Code of Civil Procedure is
2 amended to read:

3 215. (a) (1) Except as provided in ~~subdivision (b), on and~~
4 ~~after July 1, 2000, paragraph (2)~~, the fee for jurors in the superior
5 court, in civil and criminal cases, is *not less than* fifteen dollars
6 (\$15) a day for each day’s attendance as a juror after the first day.

7 (2) *The fee for jurors in the superior court in criminal cases is*
8 *one hundred dollars (\$100) a day for each day the juror is required*
9 *to report for service as a trial juror if the trial juror’s household*
10 *income for the past 12 months is less than 80 percent of the area*
11 *median income of the county in which the superior court is located,*
12 *and the trial juror meets one of the additional following criteria:*

13 (A) *The trial juror’s employer does not compensate for any trial*
14 *jury service.*

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

17 (C) *The trial juror is self-employed.*

18 (D) *The trial juror is unemployed.*

19 (b) ~~Notwithstanding subdivision (a)~~, a juror who is employed
20 by a federal, state, or local government entity, or by any other
21 public entity as defined in Section 481.200, and who receives
22 regular compensation and benefits while performing jury service,
23 shall not be paid the fee described in subdivision (a).

24 (c) All jurors in the superior court, in civil and criminal cases,
25 shall be reimbursed for mileage at the rate of thirty-four cents
26 (\$0.34) per mile for each mile actually traveled in attending and
27 returning from court as a juror after the first day.

28 (d) All jurors and prospective jurors who have been summoned
29 shall be provided with access to existing public transit services at
30 no cost utilizing one of the following options:

31 (1) Courts may partner with public transit operators in their
32 county to create new programs or continue existing public transit

1 programs that provide no-cost service for jurors and prospective
2 jurors who have been summoned.

3 (2) A method of reimbursement determined by the court up to
4 a daily maximum of twelve dollars (\$12).

5 (e) Subdivision (d) does not apply to a court in an area where
6 a public transit operator does not provide existing service that is
7 reasonably available to the court facility.

8 (f) In determining whether transit service is reasonably available
9 to the court facility, the court shall consider factors that include,
10 but are not limited to, all of the following:

11 (1) Proximity of transit service to the court location.

12 (2) Hours of operation of transit service in the vicinity of the
13 court location.

14 (3) Frequency of operation of transit service in the vicinity of
15 the court location.

16 (4) Availability of transit access to all areas of the court's
17 jurisdiction from which a potential juror may reside.

18 (g) Prior to determining that transit service is not reasonably
19 available to the court facility, the court shall contact the public
20 transit operator to inquire whether new transit options may be
21 implemented near the court.

From: [Gee, Natalie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Walton, Shamann \(BOS\)](#)
Subject: Walton - Introduction - Resolution in Support of AB 881
Date: Tuesday, March 7, 2023 11:38:13 AM
Attachments: [Walton - Reso - AB 881.doc](#)
[Walton - Introduction Form - Resolution Supporting AB 881.pdf](#)
[20230AB881_99.pdf](#)

Good morning Clerk Team,

Attached is Supervisor Walton's Introduction Form, Resolution in Support of AB 881, Be The Jury California, and text of AB 881. We can confirm that this matter is routine and not contentious in nature, and of no special interest.

The CSAC and LCC have not taken a position on this bill.

Thank you,
Natalie

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670
District 10 Community Events Calendar: <https://bit.ly/d10communityevents>

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: