

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

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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.**

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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  
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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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