

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.