diversity; and

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Resolution supporting California State Assembly Bill No. 881, Be The Jury California,

authored by Assembly Member Phil Ting, to increase jury diversity in California by eliminating economic hardship barriers with raising juror pay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the Board to transmit a copy of this Resolution to the California Senate President pro Tempore Toni Atkins, California Assembly Speaker Anthony Rendon, California Assembly Public Safety Committee Chair Reginald Jones Sawyer, California Assembly Appropriations Committee Chair Chris Holden, Governor Gavin Newsom, and the Bill's primary sponsor, Assembly Member Phil Ting.



City and County of San Francisco Tails

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Resolution

File Number: 230274

Date Passed: March 14, 2023

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

March 14, 2023 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

March 14, 2023 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230274

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 3/14/2023 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

3/24/2023

London N. Breed Mayor **Date Approved**

File No. 230274

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo Clerk of the Board 3/24/2023