

Date of Hearing: August 18, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
SB 592 (Wiener) – As Amended July 28, 2020

Policy Committee:	Housing and Community Development	Vote:	6 - 0
	Local Government		8 - 0
	Rules		7 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the Franchise Tax Board (FTB), beginning on January 1, 2022, to annually furnish the jury commissioner of each county a list of resident state tax filers to be used as a source list for the purposes of jury selection. Specifically, this bill:

- 1) Requires the FTB to revise the state resident income tax return to include a line for taxpayers to include the address of their principal residence and their county of principal residence.
- 2) Provides the list of registered voters and the Department of Motor Vehicles' list of licensed drivers and identification cardholders (DMV list) within the area served by a court, are appropriate source lists for selection of jurors until January 1, 2022.
- 3) States the list of resident state tax filers, the list of registered voters, and the DMV list within the area served by the court are to be considered inclusive of a representative cross section of the population commencing January 1, 2022.
- 4) Adds a jury commissioner to the list of persons who are guilty of a misdemeanor for disclosing or making known information from a person's tax documents, including the amount of annual income.

FISCAL EFFECT:

- 1) One-time costs (General Fund (GF)/Trial Court Trust Fund) of \$50,000 to \$100,000 for Judicial Council to contract with a third party vendor to update jury management services.
- 2) Costs (GF) to the FTB of \$209,000 in fiscal year (FY) 2020-21 and approximately \$380,000 annually thereafter for the FTB to provide the jury commissioner of each county a list of resident tax filers and update the California resident income tax return to include space for the taxpayer's principal residence and county of residence.
- 3) Cost pressures (GF)/Trial Court Trust Fund) in the low hundreds of thousands of dollars to the trial courts in increased workload given this bill expands an existing misdemeanor by adding a jury commissioner to the list of people who may not disclose any information learned from tax information. A defendant charged with a misdemeanor or felony is entitled to no-cost legal representation and a jury trial. If 15 new crimes are filed annually statewide and proceed to trial resulting in two days of court time, at an estimated cost of approximately

\$7,644 for an eight-hour court day, the approximate annual cost to the trial courts would be \$229,320.

COMMENTS:

1) **Purpose.** According to the author:

Our current system for selecting jury pools undermines our ability to ensure people have a jury of their peers. We need to include all eligible Californians on our jury lists, not just those who are registered to vote or have a driver's license. SB 592 is a vital, common-sense reform that is long overdue. This simple change will promote fairness, diversity, and legitimacy in California's jury system.

2) **Existing Process for Jury Service.** Pursuant to existing law, people called for jury service must be selected at random, from sources that include a representative cross section of the population of the area served by the court. This includes voter rolls and the DMV list of people residing within the area served by the court. When the jury commissioner receives the list of eligible jurors, the jury commissioner randomly selects jurors for jury panels. According to the Public Policy Institute of California (PPIC), approximately 75% of eligible adults are registered to vote in California. However, large groups of historically unrepresented or underrepresented groups are often not registered to vote. For example, PPIC found only 22% of eligible white Californians fail to register to vote, whereas 56% of eligible Latinos do not register to vote. The use of voter rolls in developing jury lists is likely to result in a significant underrepresentation of Latino jurors. Additionally, lower income Californians tend to register to vote at far lower rates than their wealthier counterparts. Again, the PPIC notes that while 16% of those making more than \$80,000 annually are unregistered, 64% of those making less than \$40,000 annually have not registered to vote.

3) **Related Legislation.** SB 310 (Skinner), Chapter 591, Statutes of 2018, permits a person with a felony conviction, who is not incarcerated in prison or jail, to serve on a jury.

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