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UNFINISHED BUSINESS

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Bill No: SB 592  
Author: Wiener (D), et al.  
Amended: 8/24/20  
Vote: 21

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PRIOR SENATE VOTES NOT RELEVANT

ASSEMBLY FLOOR: 59-12, 8/30/20 - See last page for vote

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**SUBJECT:** Jury service

**SOURCE:** Author

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**DIGEST:** This bill requires the Franchise Tax Board to annually share a list of state tax filers with the jury commissioner of each county.

*Assembly Amendments* remove the provisions related to the housing accountability act and replace them with language that would modify the sources available to the jury commissioner for jury selection to include California resident tax returns.

**ANALYSIS:**

Existing law:

- 1) Provides that a defendant has a right to trial by a jury drawn from a representative cross section of the community.
- 2) Requires all persons be selected for jury service at random and from sources inclusive of a representative cross section of the population of the area served by the court.
- 3) Allows the jury commission to receive information from several sources throughout the year to use in selecting and identifying eligible jurors.
- 4) Requires the jury commissioner to select names at random pulled from the Department of Motor Vehicles and voter registration lists in that county.

- 5) Defines a qualified juror as one that meets all of the following criteria:
- a) Be a U.S. citizen;
  - b) Be at least 18 years of age;
  - c) Have command of English enough to understand and discuss case matters;
  - d) Reside of the county summoned by;
  - e) Not have served on a jury in the last 12 months;
  - f) Not currently on a grand jury or another trial jury;
  - g) Not be under conservatorship; and
  - h) Have had civil rights restored if you have been previously convicted of a felony.

This bill:

- 1) Requires the Franchise Tax Board (FTB) to annually furnish the jury commissioner of each county, in consultation with the Judicial Council, a list of resident state tax filers to be used as a source list for the purposes of jury selection beginning on January 1, 2022.
- 2) Requires 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.
- 3) Makes a conforming change to add 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.
- 4) Defines, for the purpose of this bill, the following terms:
  - a) "List of resident state tax filers" to mean a list that includes the name, date of birth, principal residence address, and county of principal residence, of persons who are 18 years of age or older and have filed a California Resident Income Tax Return for the preceding taxable year.
  - b) "County of principal residence" to mean the county in which the taxpayer has their principal residence on the date that the taxpayer filed their California resident income tax return.

- c) “Principal residence” to be used in the same manner it is used in Section 121 of Title 26 of the United States Code.

## Background

Personal income taxpayers file returns for the taxable year no later than the 15<sup>th</sup> day of the 4<sup>th</sup> month of the next taxable year (typically April 15<sup>th</sup>). Taxpayers can also file returns on extension up to six months after the original due date of the return (usually October 15<sup>th</sup>). However, this bill requires FTB to provide the list of state tax filers to the Jury Commissioners by the statutory deadline of November 1<sup>st</sup>, which may not include taxpayers who fail to file a return on time. Additionally, individuals who do not need to file a return because their income is below threshold requirements would not be included. For 2019, these thresholds are \$18,241 in gross income or \$14,593 in adjusted gross income (AGI) for single taxpayers (under 65 years of age with no dependents) and \$36,485 in gross income or \$29,190 in AGI for married individuals filing jointly (under 65 years of age with no dependents). Those with income higher than the minimum amount listed above would be included in this additional data source.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

- 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.
- 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.
- 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.

**SUPPORT:** (Verified 8/26/20)

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Anti-defamation League  
California Attorneys for Criminal Justice  
California Catholic Conference  
California Public Defenders Association  
Californians for Safety and Justice  
Consumer Attorneys of California  
Ella Baker Center for Human Rights  
Friends Committee on Legislation of California  
Judicial Council  
San Francisco Public Defender  
Tides Advocacy

**OPPOSITION:** (Verified 8/26/20)

None received

**ARGUMENTS IN SUPPORT:** 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.”

ASSEMBLY FLOOR: 59-12, 8/30/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Chu, Cooley, Cooper, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Lackey, Levine, Limón, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Weber, Wood, Rendon

NOES: Bigelow, Brough, Choi, Cunningham, Megan Dahle, Diep, Flora, Fong, Mathis, Obernolte, Patterson, Waldron

NO VOTE RECORDED: Chen, Eggman, Frazier, Gallagher, Kiley, Mayes, Voepel, Wicks

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8/31/20 0:48:56

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