

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1811 (Alvarez) – As Amended April 10, 2024

Policy Committee: Judiciary

Vote: 9 - 2

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill makes lawful permanent residents eligible for jury duty beginning January 1, 2026, and requires Judicial Council to develop a program to allow legal permanent residents to participate in jury duty.

Specifically, the Judicial Council program must include:

- 1) Notice and information about the program, including notice that legal permanent residents will be eligible, but not required, to participate in jury duty beginning January 1, 2026.
- 2) An opportunity for an eligible legal permanent resident to affirmatively attest that they wish to participate in the program.
- 3) Court procedures that limit the sharing and disclosure of information about the program and its participants.

FISCAL EFFECT:

Costs (Trial Court Trust Fund, General Fund) to Judicial Council, likely in the tens of millions of dollars annually. Actual costs will depend on the details of the program established by Judicial Council, but will likely involve identifying and obtaining personal data about legal permanent residents so they can be integrated into the current pool of eligible jurors, and conducting an education campaign about legal permanent resident eligibility for jury duty. Judicial Council may require additional staffing to establish and implement the program. The Governor's 2024-25 budget proposes \$83.1 million ongoing from the General Fund to backfill declining revenue to the Trial Court Trust Fund. According to the Legislative Analyst's Office, the General Fund faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

COMMENTS:

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

Making LPRs eligible to serve on juries is a desirable reform as our justice system is based upon judgment by one's peers and juries that represent a cross-section of the community. California is home to approximately 3 million LPRs (8% of the state's population) who pay taxes, live and work in the community, serve in the military and possess the right to remain indefinitely... Jury service is an important

mode of civic engagement for permanent residents, who make up a significant portion of our neighbors, friends, family and coworkers, and it is an appropriate obligation for those who benefit from the protection of our laws and can be rightfully called on to contribute to their communities... It is also no secret that courts often struggle to seat juries. Of all the self-reported reasons excluding someone from serving on a jury, not having citizenship is the most common. By making LPRs eligible for jury service, we can help California's courts in meeting their needs for jurors and improve efficiency in the jury summons process.

- 2) **Background.** Under existing law, generally every person in California is eligible to participate in jury duty unless they fall into one of the statutory exceptions. Among those exceptions is a provision that excludes a person who is not a U.S. citizen. As detailed in the analysis of this bill by the Assembly Committee on Judiciary, courts have consistently held that laws barring noncitizens from participating in jury duty are constitutional; they do not violate the right to be tried by a jury of one's peers and they are not legally discriminatory against noncitizens.

Legal permanent residents are people who are not U.S. citizens but have been given legal permission to live permanently in the U.S. This bill makes legal permanent residents eligible for jury duty and requires Judicial Council to set up a program to facilitate the participation of legal permanent residents in jury duty. It appears that the bill makes legal permanent residents eligible for jury duty but does not obligate their participation. The bill leaves many of the particulars to Judicial Council, but it seems that the bill would require a legal permanent resident to affirmatively attest that they want to participate in Judicial Council's program in order to actually participate in jury service. Presumably, if a legal permanent resident does not attest their desire to participate in the program, they are legally eligible but excluded from the potential jury pool as a practical matter.

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