

Date of Hearing: April 9, 2024

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

AB 2985 (Hart) – As Amended March 21, 2024

PROPOSED CONSENT (As Proposed to be Amended)

**SUBJECT:** COURTS: MENTAL HEALTH ADVISEMENT

**KEY ISSUE:** SHOULD JURORS IN VIOLENT FELONY TRIALS BE PROVIDED WITH INFORMATION ABOUT MENTAL HEALTH RESOURCES AND RESPONSES TO TRAUMA AT THE END OF THEIR JURY SERVICE?

**SYNOPSIS**

*Jury service is a fundamental obligation of all citizens. However, in addition to being disruptive to everyday life, some jury service can expose jurors to graphic and traumatic evidence and testimony. Jurors in violent felony cases may experience post-traumatic stress symptoms related to the evidence and testimony they see during jury service. Accordingly, this common sense measure seeks to enhance the mental health resources provided to jurors serving in violent felony trials. The bill would provide this information to all jurors upon the conclusion of the trial. Additionally, as proposed to be amended, this bill would ensure that alternate jurors and those serving on trials that do not make it to a verdict also will receive resources. The proposed amendments are incorporated into the SUMMARY, below, and explained in the analysis.*

*This bill is supported by a coalition of district attorneys, mental health advocates, and criminal justice reform proponents. The supporters highlight the trauma that can accompany jury service and highlight the need to ensure that jurors are able to seek help should they experience trauma. This bill has no known opposition and was previously heard and unanimously approved by the Committee on Public Safety.*

**SUMMARY:** Requires a court to provide jurors serving on a case involving a violent felony to with information regarding mental health services at the conclusion of their jury service. Specifically, **this bill:**

- 1) Requires, following the receipt of a verdict and prior to discharging the jury in a criminal action alleging a violent felony, the court to provide written information to jurors about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.
- 2) Requires, following the receipt of a verdict in a criminal action alleging a violent felony, the court to mail written information to alternate jurors about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.
- 3) Requires, at the conclusion of a trial in which evidence was presented but a verdict was not rendered by the jury, the court to provide written information to jurors about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.

- 4) Permits the court to share information about mental health with jurors and alternate jurors following the conclusion of a criminal action or proceeding alleging an offense that is not a violent felony.
- 5) Requires the Judicial Council to provide the information about mental health required by this bill to the individual superior courts, as specified.

**EXISTING LAW:**

- 1) Establishes the Trial Jury Selection and Management Act, to outline the rules and procedures governing the selection of jurors for criminal and civil trials. (Code of Civil Procedure Section 190 *et seq.*)
- 2) Requires all persons summoned for jury service to be selected at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. (Code of Civil Procedure Section 197 (a).)
- 3) Requires, prior to discharging the jury from the case, the judge in a criminal action to inform the jurors that they have an absolute right to discuss or not to discuss the deliberation or verdict with anyone. (Code of Civil Procedure Section 206 (a).)
- 4) Details the 26 crimes that are deemed a “violent felony” which includes the crimes of murder, mayhem, rape, lewd acts on a child under the age of 14, explosion of a destructive device causing death or great bodily injury, and arson. (Penal Code Section 667.5 (c).)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** Jury service is a key aspect of American citizenship. However, in some violent felony trials, 12 ordinary citizens are exposed to gruesome images and traumatic testimony. Upon the conclusion of such a trial, these jurors are then left to fend for themselves in terms of their mental health, despite being exposed to harrowing images and testimony. This bill seeks to provide jurors in these trials information about mental health resources so jurors can seek treatment should they be experiencing post-traumatic stress reactions following jury service. In support of this bill, the author states:

AB 2985 aims to support jurors who have served on violent felony trials by providing them with information about mental health awareness, secondary trauma, and healthy coping mechanisms to stay well following their service. This bill aims to help improve the experience for jurors, recognizing that jurors will be more likely to serve if they feel that the system cares about their needs. This measure will ensure that important information gets into the hands of jurors who need it, without requiring significant additional funding. AB 2985 installs safeguards to provide California jurors with mental health awareness and support after they fulfill their civic duty of serving on a jury.

***Trial jurors can be exposed to horrific images and testimony.*** Jury service presents a significant disruption in a juror’s life. Not only are they asked to forego their daily business, but they are sometimes exposed to upsetting information in the process, and are prohibited from speaking about their jury service until the conclusion of the case. This can be particularly difficult for those serving in a case involving one of the 26 crimes deemed to be a violent felony under California law. These crimes, which include murder, rape, sexual violence against children, and

bombings, can force witnesses to view graphic images or listen to explicit and emotional testimony. In order to protect the sanctity of deliberations, jurors are unable to discuss this testimony with anyone during the trial. Jurors in the recent trial of the man convicted of murdering college student Kristin Smart noted that they had to spend three months listening to traumatic testimony without being able to discuss the matter with anybody. As juror 273 in that case noted, “It’s very traumatizing to go through something like that. Having nightmares, experiencing something, and not being able to tell each other, ‘This is what we’re going through. This is what I’m feeling. This is what I’m thinking. Is this normal?’” (Chloe Jones, *Jurors in Kristin Smart Murder Trial Speak Out for First Time*, San Luis Obispo Tribune (Apr. 29, 2023).)

Presently, the Judicial Council provides jurors with a pamphlet listing coping techniques, including: talking to family, friends, and fellow jurors (about things other than the ongoing trial); sticking to a normal, daily routine; cutting down on alcohol, nicotine, and caffeine; deep breathing techniques; and increasing daily exercise. The pamphlet also suggests reaching out to local mental or behavioral health services, if additional help is needed. (<https://www.courts.ca.gov> › Jury\_Stress\_Relief.) However, given the tremendous stress that serving on a jury that is evaluating a violent felony can produce, additional resources arguably are needed.

***This bill would provide jurors with information about accessing mental health resources.***

While the Judicial Council’s pamphlet is helpful, this bill would explicitly provide jurors in violent felony cases with additional mental health resources upon the conclusion of their jury service. This bill provides jurors with specific information about how to access mental health resources and what symptoms to look for based on exposure to trauma. The bill also provides resources to alternate jurors and jurors who served on a jury that heard evidence, but did not render a verdict, for example if a plea agreement was stuck before a verdict. Finally, the bill directs the Judicial Council to develop the information for jurors, and to provide the information to each superior court for distribution.

***Proposed amendments ensure that all jurors involved with violent felony trials can access mental health resources.*** As currently in print, this bill focuses on jurors who render a verdict. The author notes that this erroneously omits jurors who serve as alternates, as well as those who served on a jury that heard evidence, but did not render a verdict due to the case being resolved in another manner. Seeking to ensure that all jurors who experience the stress of serving in a case involving a violent felony, the author is proposing amendments to add the following two subdivisions to the proposed Code of Civil Procedure Section 242:

***(b) Following the receipt of a verdict in a criminal action or proceeding alleging a violent felony, the court shall mail written information to the alternate jurors who have been discharged from their duty about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.***

***(c) At the conclusion of a trial in which evidence was presented, but a verdict was not rendered by the jury, the court shall provide written information about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma, before discharging the jury and alternate jurors. The information shall only be provided after the jurors and alternate jurors are no longer responsible for rendering a verdict in the trial.***

The author is also proposing to clarify the bill as it relates to the information provided to jurors. Accordingly, subdivision (a) of the proposed Code of Civil Procedure Section 242 will now read:

(a) Following the receipt of a verdict and prior to discharging the jury in a criminal action or proceeding alleging a violent felony, the court shall provide written information to the trial jurors about mental health ~~awareness regarding vicarious trauma that may occur as a result of participation in the trial and the symptoms and methods for stress relief.~~ *awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.*

It should be noted that criminal trials are not the only matters in which graphic and traumatic testimony may be given. Indeed, civil trials involving great bodily injury or graphic fact patterns may be just as traumatic. *While the Committee recognizes that budgetary pressures may require the scope of this bill to be limited, the author may wish to consider providing mental health resources to jurors serving in civil matters in which graphic testimony or evidence is given.*

**ARGUMENTS IN SUPPORT:** This bill is supported by a coalition of prosecutors, behavioral health advocates, and criminal justice reform groups. In support of this bill, the Santa Barbara County District Attorney's Office writes:

This bill will ensure that jurors receive written information about vicarious trauma, stress relief, and mental health awareness upon the completion of their jury service. Jurors provide an invaluable service to our community, with Californians serving on approximately 1,672 felony trials in FY 2022-2023. Of this number, many jurors served on cases involving violence and trauma.

While prosecutors, peace officers, and criminal defense attorneys never get used the violent, traumatic, and horrific acts that we are exposed to on a daily basis, this exposure is not unexpected and is an unfortunate reality of a career in public service in the criminal justice arena. Jurors, on the other hand, are often unprepared for the very difficult issues that they will be exposed to while fulfilling their public service as the triers of fact. This exposure can trigger past trauma or be a source of new trauma for those citizens doing their civic duty. It is important for jurors to be supported in taking care of their wellness following service on a trial that involves serious violence.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Council of Community Behavioral Health Agencies  
CLUE (Clergy and Laity United for Economic Justice)  
Freedom to Choose Project  
Santa Barbara County District Attorney's Office  
Smart Justice California, a Project of Tides Advocacy

### **Opposition**

None on file

**Analysis Prepared by:** Nicholas Liedtke / JUD. / (916) 319-2334