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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 2985      **Hearing Date:** June 11, 2024  
**Author:** Hart  
**Version:** June 4, 2024  
**Urgency:** No      **Fiscal:** Yes  
**Consultant:** MK

**Subject:** *Courts: mental health advisement*

### HISTORY

**Source:** Author

**Prior Legislation:** None

**Support:** Santa Barbara Women's Political Committee; Smart Justice California, a Project of Tides Advocacy

**Opposition:** None known

**Assembly Floor Vote:** 73 - 0

### PURPOSE

***This bill requires the court to provide jurors serving in a criminal case involving a violent felony with information about mental health services.***

*Existing law* defines a “violent felony” as any of the following: murder or voluntary manslaughter; mayhem; rape accomplished by means of force or threats of retaliation; sodomy by force or fear of immediate bodily injury on the victim or another person or with a child under the age of 14 years, as specified; oral copulation by force or fear of immediate bodily injury on the victim or another person or with a child under the age of 14 years, as specified; lewd acts on a child under the age of 14 years, as defined; any felony punishable by death or imprisonment in the state prison for life; any felony in which the defendant inflicts great bodily injury on any person other than an accomplice, or any felony in which the defendant has used a firearm, as specified; any robbery; arson of a structure, forest land, or property that causes great bodily injury or that causes an inhabited structure or property to burn; arson that causes an inhabited structure or property to burn; sexual penetration accomplished against the victim's will by means of force, menace or fear of immediate bodily injury on the victim or another person, by threats of retaliation, or of a child under the age of 14 years, as specified; attempted murder; explosion or attempted explosion of a destructive device with the intent to commit murder; explosion or ignition of any destructive device or any explosive which causes bodily injury to any person; explosion of a destructive device which causes death or great bodily injury; kidnapping; assault with intent to commit mayhem or specified sex offenses; continuous sexual abuse of a child; carjacking, as defined; rape or sexual penetration in concert; felony extortion; threats to victims or witnesses, as specified; first degree burglary, as defined, where it is proved that another person other than an accomplice, was present in the residence during the burglary; use of a firearm

during the commission of specified crimes; and, possession, development, production, and transfers of weapons of mass destruction. (Penal Code § 667.5 (c).)

*Existing law* establishes the Trial Jury Selection and Management Act, which applies to the selection of jurors, and the formation of trial juries, for both civil and criminal cases, in all trial courts of the State. (Code Civ. Proc. § 190 et seq.)

*Existing law* states the policy of the State of California is that all persons selected for jury service must be selected at random from the population of the area served by the court; that all qualified persons have an equal opportunity to be considered for jury service in the state, as specified; that it is an obligation of all Californians to serve as jurors when summoned for that purpose; and that it is the responsibility of jury commissioners to manage all jury systems in an efficient, equitable, and cost-effective manner. (Code Civ. Proc. § 191.)

*Existing law* requires the trial judge in a criminal jury trial to conduct an initial examination of prospective jurors in order to elect a fair and impartial jury. At the first practical opportunity before voir dire, the trial judge shall consider the form and subject matter of voir dire questions. The parties may submit questions to the trial judge. The trial judge may include additional questions requested by the parties as the trial judge deems proper. (Code Civ. Proc. § 223 (a).)

*Existing law* provides, in criminal cases only, while the jury is kept together, either during the progress of the trial or after their retirement for deliberation, the court may direct the sheriff or marshal to provide the jury with suitable and sufficient food and lodging, or other reasonable necessities. (Code Civ. Proc. § 217.)

*Existing law* requires alternate jurors to be seated so as to have equal power and facilities for seeing and hearing the proceedings in the case, and to take the same oath as the jurors already selected, and to attend at all times upon the trial of the cause in company with the other jurors. (Code Civ. Proc. § 234; Penal Code, § 1089.)

*This bill* requires the court, before discharging the jury after a verdict in a criminal case alleging a violent felony, as defined, to provide the jurors written information about mental health awareness including information about stress relief and symptoms that may be experienced following exposure to trauma.

*This bill* requires the court to mail this same information to the alternate jurors who have been discharged from their duty.

*This bill* requires the court to share this information in a violent felony case where a verdict was not rendered before the jurors are released but after they are no longer responsible for a verdict.

*This bill* authorizes a court to provide information about mental health services to jurors and alternate jurors after a criminal case alleging any other type of offense.

*This bill* requires the Judicial Council shall develop the written information that the courts must disseminate. The information must include, but is not limited to, the signs and symptoms of distress, healthy coping mechanisms, and how to seek help for exposure trauma, if needed.

## COMMENTS

### 1. Need for This Bill

According to the author:

AB 2985 aims to support jurors who have served on criminal trials involving violent felonies by providing them with information about mental health awareness, secondary trauma, and healthy coping mechanisms to stay well following their service. This measure will ensure that important information gets into the hands of jurors who need it, without requiring significant additional funding. AB 2985 will provide California jurors with mental health awareness and support after they fulfill their civic duty.

### 2. Background

“Jury service is stressful. Jurors internalize both the difficulty of deciding another’s fate, as well as the emotional toll of bearing witness to tragic events. A National Center for State Courts report found that 70 percent of all jurors feel some stress. Yet the greatest difficulty often lies in homicide and death penalty trials, in which jurors not only share the burden of imposing guilt (or even death), but are necessarily confronted with the loss of life that led to the case. Some jurors even report physical ailments, including headaches, nightmares, and symptoms consistent with post-traumatic stress disorder.” (A. Ferguson, The Atlantic, May 17, 2015, *The Trauma of Jury Duty*, available at: <https://www.theatlantic.com/politics/archive/2015/05/the-trauma-of-jury-duty/393479/> [as of March 26, 2024].)

This bill would require the courts to provide jurors and alternate jurors serving on criminal cases involving the offenses listed as violent felonies in the Penal Code with information on symptoms of stress and methods for coping with stress. This bill would require that the information be shared with sitting jurors before they are discharged, and would require that same information to be mailed to alternate jurors who have been discharged. In criminal trials that do not allege a violent felony, the court would be authorized, but not required, to share the same information.

It should be noted that the Judicial Council already produces a pamphlet to be shared with jurors that discusses both the temporary signs of stress as well as suggested coping techniques after serving on a jury. The pamphlet acknowledges that jury duty can not only be disruptive, but also unsettling depending on the case. The pamphlet notes that temporary signs of distress following jury duty include: anxiety and/or depression; sleep and/or appetite changes; physical symptoms, such as headaches, muscle tension, stomach aches; increased drug and/or alcohol use; second guessing the verdict and/or dwelling on the case; moodiness; feelings of guilt and/or fear; trouble dealing with issues or topics related to the case; a desire to be alone; diminished interest in activities that are normally of interest; and decreased concentration or memory problems. The pamphlet also lists coping techniques, including: talking to family, friends, and fellow jurors; 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 the local mental or behavioral health services, if additional help is needed. (<https://www.courts.ca.gov> › Jury\_Stress\_Relief.)

**3. Argument in Support**

Santa Barbara Women's Political Committee supports this bill stating:

We are writing to support your proposed bill AB 2985, now in committee in the CA Senate. As this bill would assure that citizens who provide the invaluable service to our communities by serving on juries of as many as 1,000 felony trials in a year receive important information to protect their own mental wellness. Many of our felony trials involve reports of violence and trauma. It is important for jurors to be supported in taking care of their own wellness following service on such trials.

The Santa Barbara Women's Political Committee believes in basic human rights for all to include freedom from violence and access to needed healthcare. Therefore, we support the passage of this Bill for the benefit of citizens in our state who serve on juries. We are pleased that this bill has passed the Assembly and is now in the Senate for approval. We will continue to follow the progress of this bill and sincerely hope that it will be passed by the Senate and signed into law by our governor.

**-- END --**