
CONSENT

Bill No: AB 2985
Author: Hart (D)
Amended: 6/26/24 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/11/24
AYES: Wahab, Seyarto, Bradford, Skinner, Wiener

SENATE APROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 73-0, 5/2/24 (Consent) - See last page for vote

SUBJECT: Courts: mental health advisement

SOURCE: Author

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

ANALYSIS:

Existing law:

- 1) 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))

- 2) 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.)
- 3) 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)
- 4) 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))
- 5) 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)

- 6) 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:

- 1) 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.
- 2) Requires the court to mail this same information to the alternate jurors who have been discharged from their duty.
- 3) 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.
- 4) 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.
- 5) 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

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.

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

SUPPORT: (Verified 6/28/24)

Freedom to Choose Project
Santa Barbara County District Attorney's Office
Santa Barbara Women's Political Committee
Smart Justice California, a Project of Tides Advocacy

OPPOSITION: (Verified 6/28/24)

None received

ARGUMENTS 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.

ASSEMBLY FLOOR: 73-0, 5/2/24

AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Davies, Dixon, Essayli, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez,

Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis,
Ward, Wicks, Wilson, Wood, Zbur

NO VOTE RECORDED: Calderon, Megan Dahle, Flora, Low, Mathis, Weber,
Robert Rivas

Prepared by: Mary Kennedy / PUB. S. /
7/2/24 9:32:06

**** **END** ****