

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 78 (Ward) – As Introduced December 15, 2022

Policy Committee: Public Safety

Vote: 6 - 2

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill increases the compensation for any individual selected to serve as a grand juror and requires demographic data to be collected during the grand jury selection process.

Specifically, this bill:

- 1) Sets the compensation for a grand juror at 70% of the county median daily income for each day a person attends as grand juror.
- 2) Requires a grand juror be reimbursed for reasonable travel and other costs associated with the performance of their duties.
- 3) Requires the list of persons selected by the court to serve as grand jurors contain each juror's gender, age, race or ethnicity, and residential zip code or supervisorial district.
- 4) Requires the jury commissioner to publish, one time in a newspaper of general circulation in the county, a list containing only each juror's name and the name of the judge who selected each juror.
- 5) Requires the prospective regular grand jurors, carry-over grand jurors, persons recommended by the jury commissioner, persons selected by the court, and the list of certified impaneled grand jurors not containing the person's name, to be published on a website used for the disclosure of demographic information for the county's grand jury.
- 6) Requires each superior court, on or before March 15, 2024, and on or before March 15 of each year thereafter, provide the Judicial Council with aggregate data of prospective regular grand jurors, any carry-over grand jurors, persons recommended by the jury commissioner, persons selected by the court, and list of certified impaneled grand jurors.
- 7) Requires the Judicial Council, on or before June 15, 2024, and on or before June 15 of each year thereafter, to submit a report to the Legislature on the information reported by each superior court on a county and statewide basis.
- 8) Permits trial jury summonses to contain information on how to become a grand juror.

FISCAL EFFECT:

- 1) Possibly reimbursable costs (General funds (GF) and local funds)) likely in the millions of dollars annually to counties for increased grand juror payment. Existing law requires grand jurors to be paid \$15 a day. This bill requires grand jurors be paid 70% of the county median daily income for each day a person serves as a grand juror. As an example, the daily median income for Los Angeles County is approximately \$212 (the median annual household income is approximately \$77,400 divided by 365 days). If 15 grand jurors are required to serve 10 days annually, the cost to Los Angeles County would be approximately \$32,000. While some counties will likely have a lower daily median income and fewer grand jurors serving less time annually, the cost statewide to pay grand jurors 70% of the daily median income may be between \$1.3 million dollars and \$1.8 million dollars annually (\$32,000 multiplied by an estimated 40 to 57 counties). Additional costs may also result from reimbursing travel and other costs related to serving as a grand juror. Costs to the GF will depend on whether Commission on State Mandates determines the requirements of this bill constitute a state-mandated local program.
- 2) Annual costs (Trial Court Trust Fund) possibly in the upper hundreds of thousands of dollars in increased workload for court staff to compile aggregate data on grand jurors and post it on a county website and for the Judicial Council to issue a report to the Legislature annually regarding the demographic make-up of grand jurors in each county.

COMMENTS:

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

Grand juries play a crucial role in California's criminal justice system and help provide municipal oversight. However, they are not always representative of the demographics of a particular area. Currently, the role of a grand juror is largely voluntary with very little compensation being given daily for their civic service. This leads to disproportionate representation within courtrooms. [This bill] will help increase transparency around the process of jury selection and ensure jurors are fairly compensated for their time.

- 2) **Grand Juries.** Grand juries have the authority to investigate the possibility a crime may have been committed and act as watchdogs of the public trust and as an objective body reporting on the operations of local government. Grand juries may also be appointed to determine if probable cause exists to indict a defendant for a criminal act; however, in California, prosecutors usually file an information and proceed to a preliminary hearing.

Currently, grand jurors receive a nominal fee of \$15 per day for each day's attendance at court and mileage reimbursement applicable to county employees for each mile actually traveled in attending court. (Pen. Code, §890.) Though often referred to as "voluntary," any person that is summoned as a grand juror, who willfully and without reasonable excuse fails to attend, may be compelled to attend, and the court may impose a fine not exceeding \$50 for failure to do so. Existing law does not require employers to pay employees for time lost from work due to jury service. California's current minimum of \$15 per day was last adjusted in

2001 by AB 1161 (Papan), Chapter 218, Statutes of 2001. By comparison, federal grand jurors are paid \$50 a day. Jurors can receive up to \$60 a day after serving 45 days on a grand jury. Jurors also are reimbursed for reasonable transportation expenses and parking fees. Federal grand jurors also receive a subsistence allowance covering their meals and lodging if they are required to stay overnight.

3) **Argument in Support.** According to the California Public Defenders Association:

This bill does two great things: it ensures that a reasonable fee would be paid for serving on a grand jury, either criminal or civil, and it requires that the grand jury membership reflect the demographic diversity of its county. The reasonable fee would enable a more diverse cross-section of the community to serve on grand juries without economic hardship. Impaneling a grand jury that reflects the diversity of the county in which they reside and provide their service will lead to more faith by the community in the criminal justice system and civil society.

4) **Argument in Opposition.** The California State Association of Counties, the Urban Counties of California, and the Rural Counties of California are jointly opposed to the increase in grand juror compensation. The opposition states:

This county coalition's opposition to AB 78 relates exclusively to the changes in Section 890 of the Penal Code, which would increase the per diem rate paid to civil and criminal grand juries from the current statutorily required \$15 per day to an amount "equal to seventy percent of the county median daily income." While we appreciate and understand the desire to encourage increased diversity on grand juries, we are opposed to AB 78 because it lacks a mechanism to cover our low-end estimate of \$16.9 million in new and unanticipated county general fund costs. Costs could be considerably higher given that (a) our estimate reflects a conservative projection of the number of meetings per county; (b) it assumes the bill language does not expand the number of days the stipend applies to and (c) it assumes that the number of grand jury meetings will remain static. Further, our estimate is based on information reported by counties on civil grand juries only, although the bill would also apply to criminal grand juries.

5) **Prior Legislation.** AB 1972 (Ward), of the 2021-2022 Legislative Session, was substantially similar to this bill. AB 1972 was held on the Senate Appropriations suspense file.

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