

Date of Hearing: January 13, 2026

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

AB 1359 (Ahrens) – As Amended January 5, 2026

SUBJECT: JURY SERVICE EXEMPTIONS

KEY ISSUE: SHOULD POTENTIAL JURORS WHO ARE 80 YEARS OF AGE OR OLDER BE AUTHORIZED TO SEEK A PERMANENT EXCUSAL FROM JURY?

SYNOPSIS

Under existing law no eligible juror may be exempted from jury duty except for undue hardship, as defined by the Judicial Council. Existing Rule of Court Rule 2.1008 allows jurors to be excused from jury duty when the prospective juror's physical or mental disability or impairment would expose them to undue risk of harm. While most jurors are typically required to provide documentation to verify their qualifying condition, Rule 2.1008 allows prospective jurors aged 70 and older to seek such exemptions without providing any documentation. While this exemption certainly eases the burden for most senior prospective jurors, it is possible that the same juror may need to complete the exercise numerous times for the same condition, should they be called for service multiple times after their 70th birthday.. This bill proposes to allow prospective jurors who are at least 80 years old to seek a permanent exemption from jury duty. This bill is sponsored by the California Senior Legislature. Although based on prior bills seeking to exempt whole categories of persons from jury service it is likely that the Judicial Council of California may have concerns related to this measure, presently, there is no opposition on file.

SUMMARY: Authorizes potential jurors who are at least 80 years old to seek a permanent excusal from jury duty without providing supporting documentation. Specifically, **this bill**:

- 1) Authorizes an eligible person 80 years of age or older to seek a permanent excuse from jury service without a supporting letter, memorandum, or note from a treating health care provider.
- 2) Requires a person 80 years of age or older who seeks a permanent excuse from jury service pursuant to be permanently excused from jury service.
- 3) Authorizes the Judicial Council of California to adopt or amend a rule of court and publish related judicial forms as necessary to implement the bill's provisions.

EXISTING LAW:

- 1) Establishes the Trial Jury Selection and Management Act. (Code of Civil Procedure Section 190 *et seq.* All further statutory references are to this code, unless otherwise indicated.)
- 2) 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, and 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. (Section 191.)

- 3) Provides that all persons selected for jury service are 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, including but not limited to Department of Motor Vehicle records, voting rolls, tax filer lists, customer mailing lists, telephone directories, and utility company lists. (Section 197.)
- 4) Provides that all persons are eligible and qualified to be prospective trial jurors, except the following:
 - a) Persons who are not citizens of the United States.
 - b) Persons who are less than 18 years of age.
 - c) Persons who are not domiciliaries of the State of California, as specified.
 - d) Persons who are not residents of the jurisdiction they are summoned to serve.
 - e) Persons who have been convicted of malfeasance in office or a felony, and whose civil rights have not been restored.
 - f) Persons who are not possessed of sufficient knowledge of the English language, provided that no person is to be deemed incompetent solely because of the loss of sight or hearing in any degree or other disability that impedes the person's ability to communicate or that impairs or interferes with the person's mobility.
 - g) Persons who are serving as grand or trial jurors in any court of this state.
 - h) Persons who are the subject of conservatorship. (Section 203(a).)
- 5) Provides that no person is to be excluded from eligibility for jury service in the State of California, for any reason other than those reasons provided by 4). (Section 203(b).)
- 6) Makes the names of qualified jurors drawn from the qualified juror list for the superior court available to the public upon request unless the court determines that a compelling interest requires the information to be kept confidential or its use limited in whole or in part. Allows any person to petition the court for access to these records. (Section 237(a) – (b).)
- 7) Authorizes excusal of prospective jurors if the prospective juror has a physical or mental disability or impairment, not affecting that person's competence to act as a juror, that would expose them to undue risk of mental or physical harm. In any individual case, unless the person is 70 years or older, the prospective juror may be required to furnish verification or a method of verification of the disability or impairment, its probable duration, and the particular reasons for the person's inability to serve as a juror. (California Rules of Court Rule 2.1008.)
- 8) Authorizes a potential juror to seek permanent medical excusal from jury duty if they have a disability whose condition is unlikely to resolve and who is unable for the foreseeable future to serve as a juror. (California Rules of Court Rule 2.1009.)

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

COMMENTS: While viewed by many as a nuisance that disrupts everyday life, jury duty is a fundamental pillar of this country's justice system. The Sixth Amendment to the United States Constitution promises criminal defendants the right to a jury trial, and the Supreme Court has held that this right necessitates "a jury drawn from a fair cross section of the community." (*Taylor v. Louisiana* (1975) 419 U.S. 522, 528.) California Code of Civil Procedure Section 204 prohibits the exemption of eligible jurors (those who meet the statutory requirements which, briefly summarized, require individuals to be U.S. citizens who are at least 18 years old). However, the statute also dictates that eligible jurors may be *excused* "for undue hardship, upon themselves or the public, as defined by the Judicial Council." Accordingly, prospective jurors may be excused from one summoned appearance, but may be reenrolled and selected for service at a later date. In keeping with this policy, California Rule of Court Rule 2.1008 allows a prospective juror to be excused if they have a physical or mental disability or impairment that would expose them to undue risk of harm. Of note to this bill, the Rules of Court allow for such an excusal without verification of the condition, such as medical documentation, so long as the person is at least 70 years old. Additionally, Rule 2.1009 allows a prospective juror to seek a permanent excusal from jury duty if they have a medical condition that is unlikely to resolve for the foreseeable future. However, the process for requesting the permanent excusal requires a written request and supporting documentation, and the jury commissioner may also ask the potential juror to provide additional documentation. There is also no similar age-based exemption to the documentation requirement under Rule 2.1009. Moreover, the author and proponents of this measure contend that Rule 2.1008 is not being consistently administered across California's 58 individual county superior courts and that some senior citizens are still being forced to provide documentation of medical conditions for temporary excusals, despite the existing court rules.

According to the author:

Senior citizens may have a harder time than the average adult when it comes to getting around and completing daily tasks. In a report titled "California's Aging Population" published in January 2025, the Public Policy Institute of California (PPIC) stated that one in three individuals over the age of 80 has difficulties at home without assistance, and one in five experiences self-care limitations. Furthermore, learning how to use technology is a barrier to accessing basic services for many elderly people.

Accordingly, arranging an appointment with a health care provider, obtaining a note with the required information, and submitting the exemption document to the court can pose significant challenges. This onerous process can induce stress, confusion, and potentially risk the physical and mental well-being of elderly individuals. Should a senior instead choose to show up at jury duty, the hardships may be even greater. They may be forced to wake up earlier than normal, search for transportation to and from court, and disrupt their daily routines. Although these steps are not required for those 70 years and older to get a one-time jury duty exemption, this is a temporary stopgap that forces senior citizens to confront the issue continuously.

By requiring Judicial Council to amend their rules of court, this bill creates a pathway to a permanent exemption from jury service for individuals aged 80 or older. In doing so, it removes the burdensome requirement to request a note from a health care provider and

acquire approval from the jury commissioner. This will simplify the process for senior citizens who are no longer fit to serve on a jury, reducing confusion and enhancing peace of mind.

Acknowledging the burdens jury duty may impose on prospective jurors aged 80 and older, *this bill* provides a pathway for those individuals to obtain a permanent excusal from jury duty. While making a permanent excusal available to a subset of the population initially appears to undermine the important goal of diversity in jury pools, there are elements of this proposal that may justify such an allowance. First, as identified by the author, there are unique circumstances, such as existing health problems, potential vulnerability to emerging pathogens, and mobility concerns that those 80 years and older experience at higher rates than younger demographics. Second, Rule 2.1008 already allows for those 70 years and older to seek the same excusal, although it does not make such an excusal permanent. Under the existing rule, a potential juror who 70 years or older would need to seek an excusal each time they receive a summons. Considering that the risks and burdens to the potential juror are only likely to increase with age, it seems reasonable to provide an opportunity to seek a permanent excusal for those 80 years of age and older.

In addition to having a higher age barrier than the existing Rule of Court, this bill is also distinguishable in that it does not require the claimant to potentially face any undue hardship. It seems that the language would allow a potential juror who is 80 or older to request to be excused on the basis of their age alone. While this may no doubt be appropriate for many in that age range, there remains significant value in promoting participation of potential jurors of all ages. To encourage continued diversity of the jury pool while promoting the safety of senior members of our communities *the author may wish to consider amendments to incorporate reference to undue hardship*. This would also bring the new statute into closer alignment with the existing rule of court and potentially streamline implementation by the Judicial Council.

Nonetheless, allowing for an opportunity to seek a permanent excusal without additional documentation requirements seems in keeping with the rationale underlying the existing rule to protect against risks to the potential juror's mental or physical condition.

ARGUMENTS IN SUPPORT: This bill is sponsored by the California Senior Legislature. They submit:

AB 1359 offers a practical, compassionate, and commonsense solution. The bill simply allows an eligible person who is 80 years of age or older to request a permanent excuse from jury service without requiring a supporting letter or note from a medical professional. Upon making such a request, the court would permanently excuse the individual from service. The bill also authorizes the Judicial Council to adopt or amend rules of court and related forms to ensure smooth implementation.

This measure recognizes the realities many older adults face, including mobility challenges, chronic health conditions, caregiving responsibilities, and limited access to medical appointments. Importantly, AB 1359 does **not** create an automatic exemption; it preserves individual choice while reducing unnecessary procedural hurdles for seniors who determine that jury service is no longer feasible for them.

By modernizing the jury excuse process for older Californians, AB 1359 promotes judicial efficiency, respects personal dignity, and reduces avoidable strain on both the courts and our aging population—all without undermining the integrity or representativeness of jury pool.

REGISTERED SUPPORT / OPPOSITION:

Support

California Senior Legislature (sponsor)

Opposition

None on file

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