

ASSEMBLY THIRD READING

AB 1359 (Ahrens)

As Amended January 5, 2026

Majority vote

SUMMARY

Authorizes potential jurors who are at least 80 years old to seek a permanent excusal from jury duty without providing supporting documentation.

Major Provisions

- 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 1) 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.

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.

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 is 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.

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.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations analysis, the Judicial Council estimates a minor and absorbable impact to create or update a Rule of Court. The Judicial Council notes it needs a one-year delayed implementation to allow for the approval process and public comment periods. The courts have identified a rough estimate of up to \$350,000 in one-time costs associated with jury management system upgrades that would need to be performed as well as minor and absorbable cost for Judicial Council staff to create model summons that reflect the change in policy. The Judicial Council notes unknown, potentially moderate costs associated with mailing additional juror summons as responses to the exempted individuals are received. There may be potential cost savings for reduced Judicial Council staff time in processing excusal requests and documentation on a case-by-case basis, as permitted under existing law. Judicial Council and courts do not have juror demographic data in their jury management systems and the potential impact on the juror rolls is unknown.

VOTES

ASM JUDICIARY: 11-0-1

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

ABS, ABST OR NV: Dixon

ASM APPROPRIATIONS: 13-1-1

YES: Wicks, Hoover, Stefani, Calderon, Caloza, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache, Tangipa

NO: Dixon

ABS, ABST OR NV: Ta

UPDATED

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CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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