



## Bill Analysis

Author: Wiener and Skinner	Sponsor:	Bill Number: SB 1001
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Attorney: Shane Hofeling	Related Bills: See Legislative History	

## SUBJECT

Code of Civil Procedure – Jury Selection

## SUMMARY

This bill would, under the Code of Civil Procedure (CCP), provide that a list of state tax filers would be an additional appropriate source list used for jury selection.

This analysis only addresses the provisions of the bill that impact the department's programs and operations.

## RECOMMENDATION

No position

## SUMMARY OF AMENDMENTS

None noted.

## REASON FOR THE BILL

The reason for this bill is to expand jury pools to be more diverse and representative of their communities.

## ANALYSIS

This bill, under the CCP, would state that the three appropriate source lists identified would be inclusive of a representative cross section of the population of the area served by the court for jury selection. The identified sources would be the list of registered voters, the Department of Motor Vehicles' (DMV) list of licensed drivers and identification cardholders, and the list of state tax filers that would be added by this bill.

"List of state tax filers" is defined as a list of names and addresses of persons who are 18 years of age or older and have filed a California Resident Income Tax Return for the preceding taxable year that states a ZIP Code located in the county.

Semiannually, the Franchise Tax Board (FTB) will provide the jury commissioner of each county with a list of state tax filers. The jury commissioner or an employee of the jury commissioner, may not disclose the information provided by the FTB to any other person, organization, agency or other entity.

#### *Effective/Operative Date*

This bill would become effective and operative January 1, 2021.<sup>1</sup>

#### *Federal/State Law*

##### *Federal Law*

No provisions comparable to state law.

##### *State Law*

Current state law requires that all persons selected for jury service be selected at random from sources inclusive of a representative cross section of the population of the area served by the court. Sources may include, in addition to other lists, customer mailing lists, telephone directories, or utility company lists.

Jury commissioners are required to use both the list of registered voters and the DMV list of licensed drivers and identification cardholders that are residents within the area served by the court as appropriate source lists for selection of jurors. The DMV is required to submit information to the jury commissioner and the jury commissioner is prohibited from disclosing such information to any person, organization, or agency.

Current state law prohibits the disclosure of any taxpayer information except as specifically authorized by statute. California law permits the FTB to release individual tax return information to specific state agencies. Agencies must have a specific reason for requesting the information, including investigating items of income disclosed on any return or report, verifying eligibility for public assistance, locating absent parents to collect child support, or locating abducted children. For some agencies, only limited information may be released, such as the taxpayer's social security number and address.

#### *Implementation Considerations*

Department staff has identified the following implementation considerations for purposes of a high-level discussion; additional concerns may be identified as the bill moves through the legislative process. Department staff is available to work with the author's office to resolve these and other concerns that may be identified.

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<sup>1</sup> The effective date is premised on enactment by September 30, 2020.

This bill would require FTB to semiannually furnish the jury commissioner of each county with a list of state tax filers. However, for clarity and ease of administration an exception from the general disclosure provisions should be added to Article 2 of Chapter 7 of Part 10.2 of the Revenue & Taxation Code to specifically allow the FTB to comply with the bill's provision on disclosure of tax information and apply the appropriate disclosure restrictions to the jury commissioner of each county.

The taxpayer's address on an income tax return may be an address other than their residence. For example, the address could be a mailing address, a P.O. Box, or their tax representative's address. Thus, the taxpayer information provided may not contain necessary information such as the taxpayer's county of residence. If this is contrary to the author's intent, the author may wish to amend the bill.

#### *Technical Considerations*

None noted.

#### *Policy Concerns*

None noted.

### **LEGISLATIVE HISTORY**

SB 310 (Skinner, 2019/2020), prior to being amended, would have, under the CCP, provide that a list of state tax filers would be an additional appropriate source list used for jury selection. SB 310 was amended on August 26, 2019, and removed provisions that would have impacted the FTB.

AB 310 (Santiago, 2019/2020, would, until January 1, 2024, prohibit the selection of designated probation officers for voir dire in criminal matters, and add a reporting requirement. AB 310 is pending before the Senate.

SB 576 (Wiener, 2017/2018), would have required jury commissioners to collect and maintain demographic data from prospective jurors. SB 576 failed passage out of the Senate by the constitutional deadline.

AB 535 (Jones-Sawyer, 2017/2018), would have removed the prohibition of a person with a felony conviction from serving on a jury and excluded certain other persons. AB 535 failed passage out of the Assembly by the constitutional deadline.

### **PROGRAM BACKGROUND**

None noted.

## **FISCAL IMPACT**

The department's costs to implement this bill have yet to be determined. As the bill moves through the legislative process, costs will be identified.

## **ECONOMIC IMPACT**

### *Revenue Estimate*

This bill as introduced February 13, 2020, would not impact state income or franchise tax revenue.

This analysis does not account for changes in employment, personal income, or gross state product that could result from this bill or for the net final payment method of accrual.

## **LEGAL IMPACT**

None noted.

## **APPOINTMENTS**

None noted.

## **SUPPORT/OPPOSITION**

To be determined.

## **ARGUMENTS**

None noted.

## **LEGISLATIVE STAFF CONTACT**

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