



Analysis of Amended Bill

Author: Skinner

Sponsor:

Bill Number: SB 310

Analyst: Toni Arnold

Phone: (916) 845-4743

Amended: March 21, 2019,
April 29, 2019, and May 17,
2019

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, and would change persons eligible and qualified to be prospective trial jurors.

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

Recommendation – No position.

Summary of Amendments

The March 21, 2019, amendments added state tax filers and utility company recipients to the required sources used for persons selected for jury service, deleted the optional sources that could be used for jury selection, added incarcerated persons and deleted persons convicted of a felony to the list of exceptions for prospective trial jurors, and revised record maintenance requirements for jury commissioners.

The April 29, 2019, amendments modified the record maintenance requirements for jury commissioners.

The May 17, 2019, amendments added back the optional sources that could be used for jury selection, including utility company recipients, and added a provision stating that 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 shall be considered appropriate lists for selection of jurors, which shall be considered inclusive of a representative cross section of the population of the area served by the court. The amendments also deleted the record maintenance requirements for jury commissioners.

This is the department's first analysis of the bill.

Reason for the Bill

The reason for the bill is to permit persons with a felony conviction, who are not incarcerated in prison or jail, to serve on a jury, and to add sources that are considered a representative cross section of the population for the purposes of jury selection.

Effective/Operative Date

This bill would be effective and operative January 1, 2020.

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 Franchise Tax Board (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.

This Bill

Among other things, this bill would, under the CCP, provide that a list of state tax filers would be an additional appropriate source list used for jury selection.

The bill 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 DMV list of licensed drivers and identification cardholders, and the list of state tax filers.

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.

This bill uses the undefined term "state tax filers." The absence of definitions to clarify this term could complicate the administration of this bill. For clarity and ease of administration, it is recommended that the bill be amended.

This bill would allow the jury commissioner to use taxpayer information. However, the bill fails to provide a statute in the Revenue and Taxation Code (R&TC) to allow for the disclosure of information to the jury commissioner. Additionally, this bill is silent on specific requirements and timelines for FTB to provide information to a jury commissioner. An exception from the general disclosure provisions should be added to Article 2 of Chapter 7 of Part 10.2 of the R&TC to specifically allow the FTB to comply with the bill's provision on disclosure of tax information.

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.

Legislative History

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.

Other States' Information

Since this bill pertains to jury selection requirements, a review of other states' income tax laws would not be relevant.

Fiscal Impact

This bill would not significantly impact the department's costs.

Economic Impact

Revenue Estimate

This bill as amended on May 17, 2019 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.

Legislative Staff Contact

Toni Arnold
Legislative Analyst, FTB
(916) 845-4743
toni.arnold@ftb.ca.gov

Jame Eiserman
Revenue Manager, FTB
(916) 845-7484
jame.eiserman@ftb.ca.gov

Jahna Carlson
Acting Legislative Director, FTB
(916) 845-5683
jahna.carlson@ftb.ca.gov