



## Bill Analysis

Author: Wiener, et al.

Bill Number: SB 592

### SUBJECT

Code of Civil Procedure – Jury Selection

### SUMMARY

This bill would, under the Code of Civil Procedure (CCP), provide that a list of resident 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.

### 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, beginning on January 1, 2022, 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 resident state tax filers that would be added by this bill.

The bill defines the following terms:

"List of resident state tax filers" is defined as a list of names, date of birth, principal residence address, and county of principal residence address of persons who are 18 years of age or older and have filed a California resident income tax return for the preceding taxable year.

"County of principal residence" means the county in which the taxpayer has their principal residence on the date that the taxpayer filed their California resident income tax return.

"Principal residence" is used in the same manner as it is used in Section 121 of the Internal Revenue Code. The home that a taxpayer uses the majority of the time during the year is considered their principal residence that year.

Annually, beginning November 1, 2021, and each November 1st, thereafter, the Franchise Tax Board (FTB) will provide the jury commissioner of each county with a list of resident 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.

The FTB shall revise the California resident income tax return to include space for the taxpayer's address of their principal residence and their county of principal residence.

#### *Effective/Operative Date*

This bill would become effective and operative January 1, 2021.

#### *Federal/State Law*

##### *Federal Law*

No provision comparable in federal 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*

None noted.

*Technical Considerations*

None noted.

**LEGISLATIVE HISTORY**

AB 310 (Santiago, Chapter 597, Statutes of 2019) allowed, until January 1, 2024, to prohibit the selection of designated probation officers for voir dire in criminal matters, and add a reporting requirement.

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.

SB 1001 (Weiner, 2019/2020), similar to this bill, would have, under the CCP, provided that a list of state tax filers would be an additional appropriate source list used for jury selection. SB 1001 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.

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.

**PROGRAM BACKGROUND**

None noted.

**FISCAL IMPACT**

Staff estimates the departmental costs to implement this bill would be approximately \$209,000 in fiscal year 2020-2021; \$373,000 in fiscal year 2021-2022; \$376,000 in fiscal year 2022-2023; \$380,000 in fiscal year 2023-2024, and \$384,000 in fiscal year 2024-2025 and thereafter, for resources to modify forms and information systems, and capture data.

**ECONOMIC IMPACT***Revenue Estimate*

This bill would not impact state income or franchise tax revenue.

**LEGAL IMPACT**

None noted.

**APPOINTMENTS**

None.

**VOTES**

<b>Location</b>	<b>Date</b>	<b>Yes Votes</b>	<b>No Votes</b>
Concurrence	August 31, 2020	30	5
Assembly Floor	August 30, 2020	59	12
Senate Floor	May 23, 2020	38	0

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