



JUDICIAL COUNCIL OF CALIFORNIA

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Director, Governmental Affairs

July 9, 2019

Hon. Anthony J. Portantino, Chair
Senate Appropriations Committee
State Capitol, Room 3086
Sacramento, California 95814

Subject: AB 310 (Santiago), as amended May 16, 2019 – Fiscal Impact Statement

Dear Senator Portantino:

AB 310 exempts probation officers from being selected for juries in criminal cases. The bill also requires the Judicial Council to submit a report addressing the impact of categorical exemptions to jury service on the courts. We estimate that AB 310 will have one-time workload and operating costs of \$451,000 with annual ongoing costs of \$201,000.

Fiscal Impact

This bill's primary workload and operations fiscal impact comes from the additional individuals that must be summoned due to the removal of probation officers from eligibility to serve on a criminal jury. Courts have indicated that they must summon 3 individuals to ensure that 1 individual arrives at court for jury selection on the required date. Exempting probation officers from serving on criminal juries will reduce the statewide pool of potential jurors by approximately 13,400 individuals¹. While it is difficult to determine the frequency that individuals are called for jury duty, it is reasonable to assume that eligible individuals receive a

¹ This is the 3 year statewide average of Probation Officers obtained from Department of Justice's Criminal Justice Personnel database, available at <https://openjustice.doj.ca.gov/exploration/crime-statistics/criminal-justice-personnel>

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jury summons approximately every 2 years². Based on this assumption, courts would need to summons over 20,000 additional individuals annually to accommodate for the exemption of probation officers from criminal juries³. Data provided by the courts indicates they spend approximately \$10 per person to summons a potential juror. Therefore, accommodating the reduction in the population of potential jurors will cost the courts approximately \$201,000 annually⁴.

Courts have indicated it is impractical to modify jury systems to indicate whether an individual is currently employed as a peace officer due to the frequency with which individuals change occupations as well as privacy concerns. Further, probation officers, like other peace officers, would still be summoned to serve on juries for other types of cases, such as civil matters. Finally, this bill would increase the current population of peace officers already excluded from service on criminal juries by 17%⁵.

The Council estimates the study portion of the bill would be approximately \$250,000; which includes costs related to reconfiguring court jury systems to collect the required data as well as staff training.

If you have any questions, please feel free to contact Mark Neuburger at (916) 323-3121 or mark.neuberger@jud.ca.gov.

Sincerely,

Mailed July 12, 2019

Cory T. Jasperson
Director, Governmental Affairs

² Assumption based on the Judicial Council's 'One-Day or One-Trial' jury service policy and state law, which limits an individual to participating in jury service to once within a 12 month period.

³ Estimate assumes that reducing criminal jury population by 13,400 individuals will require the courts to summons 3 times that many (40,200 individuals) every 2 years (20,100 individuals annually) to accommodate for this reduction.

⁴ Estimate consists of \$10 per juror summoned multiplied by 20,100 additional individuals annually.

⁵ The percentage increase was calculated using the 3-year statewide average of Probation Officers (13,400) and the 3-year statewide average of sworn law enforcement personnel (78,600) obtained from the Department of Justice's Criminal Justice Personnel database, available at <https://openjustice.doj.ca.gov/exploration/crime-statistics/criminal-justice-personnel>

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cc: Members, Senate Appropriations Committee
Hon. Miguel Santiago, Member of the Assembly
Mr. Shaun Naidu, Senate Appropriations Committee
Mr. Matt Osterli, Consultant, Senate Republican Office of Policy
Ms. Melissa Immel, Deputy Legislative Secretary, Office of the Governor
Ms. Timothy Weber, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California