

AMENDED IN SENATE AUGUST 4, 2004  
AMENDED IN SENATE SEPTEMBER 2, 2003  
AMENDED IN SENATE JULY 15, 2003  
AMENDED IN ASSEMBLY APRIL 30, 2003  
AMENDED IN ASSEMBLY MARCH 24, 2003  
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 473**

**Introduced by Assembly Member Correa**  
*(Principal coauthor: Senator Ackerman)*

February 14, 2003

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~~An act to add Section 7018 to the Business and Professions Code, relating to contractors.~~ *An act to amend Section 116.5 of, and to add Section 116.6 to, the Penal Code, relating to jurors, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 473, as amended, Correa. ~~Contractors' State License Board Jurors.~~

*Existing law provides for the crime of jury tampering, a misdemeanor that proscribes certain conduct relating to the conferring or acceptance of a payment or benefit to a juror prior to or within 90 days of the discharge of a jury, as specified.*

*This bill would provide for the new crime of unlawful juror conduct, a misdemeanor that would proscribe, without time limitation, (1) the conferring by a party in a criminal case, or the acceptance by a former*

*juror in that criminal case, of a payment or benefit to the former juror in consideration for specified services to the party relating to the case, and (2) the entry into an agreement between a former juror and a party to the proceeding in which the juror served that would preclude the former juror from discussing the case with any other party to that proceeding, or with any agent of another party to the proceeding.*

*Existing law makes it a misdemeanor for a judicial officer to ask or receive any emolument, gratuity, or reward, or any promise thereof, except such as may be authorized by law, for doing any official act.*

*This bill would provide that every former juror who asks for or accepts any emolument, gratuity, or reward, or any promise thereof, except as specifically authorized by law, for any act done as part of his or her duties as a juror during a case, is guilty of a misdemeanor, as specified.*

*By creating new crimes, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law, the Contractors' State License Law, creates the Contractors' State License Board and makes it responsible for licensing contractors and regulating their business operations. Under existing provisions of a Governor's Executive Order, a freeze has been placed on state employment, prohibiting state agencies and departments from filling a position that was vacant on June 30, 2003.~~

~~This bill would exempt the board from this freeze on state employment.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.~~

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1.—The Legislature finds and declares the~~
- 2 *SECTION 1. The Legislature finds and declares that the*
- 3 *integrity of the judicial process requires that jurors perform their*



1 *duties without regard for the possibility of future compensation*  
2 *from any party to the lawsuit. The Legislature is enacting these*  
3 *provisions in order to better insulate the jury process from this type*  
4 *of influence.*

5 *SEC. 2. Section 116.5 of the Penal Code is amended to read:*

6 116.5. (a) A person is guilty of tampering with a jury when,  
7 prior to, or within 90 days of, discharge of the jury in a criminal  
8 proceeding, he or she does any of the following:

9 (1) Confers, or offers or agrees to confer, any payment or  
10 benefit upon a juror or upon a third person who is acting on behalf  
11 of a juror in consideration for the juror or third person supplying  
12 information in relation to an action or proceeding.

13 (2) Acting on behalf of a juror, accepts or agrees to accept any  
14 payment or benefit for himself or herself or for the juror in  
15 consideration for supplying any information in relation to an  
16 action or proceeding.

17 (3) Acting on behalf of himself or herself, agrees to accept,  
18 directly or indirectly, any payment or benefit in consideration for  
19 supplying any information in relation to an action or proceeding.

20 (b) *A person is guilty of unlawful juror conduct when, at any*  
21 *time following the discharge of the jury in a criminal proceeding,*  
22 *he or she does any of the following:*

23 (1) *As a former juror in a proceeding or acting on behalf of a*  
24 *former juror in that proceeding, accepts or agrees to accept any*  
25 *payment or benefit for himself or herself or for the former juror in*  
26 *consideration for the former juror's consultation or any other*  
27 *services rendered to a party to that proceeding concerning any*  
28 *aspect of the subject matter at issue in the trial in which the former*  
29 *juror served, or concerning a retrial of the case.*

30 (2) *Confers, or offers or agrees to confer, any payment or*  
31 *benefit upon a former juror in that proceeding, or upon a third*  
32 *person who is acting on behalf of a former juror in that proceeding,*  
33 *in consideration for the former juror or third person supplying*  
34 *consultation or any other services as specified in paragraph (1) to*  
35 *a party to that proceeding.*

36 (3) *Enters into an agreement between a former juror and a*  
37 *party to the proceeding that would preclude the former juror from*  
38 *discussing the case in which the juror served with any other party*  
39 *to that proceeding, or any agent of another party to the proceeding.*



1 (c) Any person who violates this section is guilty of a  
2 misdemeanor.

3 ~~(e)~~

4 (d) In the case of a juror who is within 90 days of having been  
5 discharged, otherwise lawful compensation not exceeding fifty  
6 dollars (\$50) in value shall not constitute a criminal violation of  
7 ~~this section~~ subdivision (a).

8 ~~(d)~~

9 (e) Upon conviction under this section, in addition to the  
10 penalty described in subdivision ~~(b)~~-(c), any compensation  
11 received in violation of this section shall be forfeited by the  
12 defendant and deposited in the Victim Restitution Fund.

13 SEC. 3. Section 116.6 is added to the Penal Code, to read:

14 116.6. (a) Every former juror who asks for or accepts any  
15 emolument, gratuity, or reward, or any promise thereof, except as  
16 specifically authorized by law, for any act done as part of his or her  
17 duties as a juror during a case, is guilty of a misdemeanor.

18 (b) The filing of a charge under this section shall not preclude  
19 the filing of other charges for the same conduct covered by this  
20 section, as provided in Section 654.

21 SEC. 4. This act is an urgency statute necessary for the  
22 immediate preservation of the public peace, health, or safety  
23 within the meaning of Article IV of the Constitution and shall go  
24 into immediate effect. The facts constituting the necessity are:

25 In order that the integrity of the jury system is safeguarded in as  
26 many cases as possible, it is necessary that this bill take immediate  
27 effect.

28 following:

29 ~~(a) The construction industry is one of the largest businesses in  
30 the state, employing over 750,000 people and generating  
31 forty-seven billion dollars (\$47,000,000,000) in  
32 building permitted projects in 2002. Construction for 2003 is  
33 forecasted to increase in new housing, residential alterations and  
34 additions, and nonresidential building. Massive infrastructure  
35 investment in schools and public works through bond initiatives  
36 is a cornerstone of the state's proposed economic recovery.  
37 License application and license maintenance backlogs often delay  
38 or obstruct projects, causing financial loss to contractors.~~

39 ~~(b) The construction marketplace produces a significant  
40 portion of the state's tax revenue. The degree of efficiency inherent~~



1 in that marketplace can significantly affect both economic growth  
2 and financial loss. Business losses and financial injury reduce the  
3 tax base in addition to reducing the amount of taxable gains. It is  
4 important that the Contractors' State License Board improve  
5 consumer protection and provide efficient resolution to disputes  
6 between consumers and contractors in a fair and timely manner.

7 (c) The Contractors' State License Board is unable to process  
8 applications for new licenses and the documents required for  
9 continued licensure within acceptable timeframes due to  
10 inadequate staffing and funding cuts to its budget. The resulting  
11 delays in licensing have the following impacts:

- 12 (1) Delays in getting construction projects started.
- 13 (2) Loss of revenue for applicants, contractors, and their  
14 employees.
- 15 (3) Lost tax revenues to the state.
- 16 (4) Increased underground economy activities with more  
17 construction workers not being covered by workers'  
18 compensation insurance, more consumers being victimized by  
19 unlicensed and dishonest contractors, and less tax, including local  
20 property tax, revenue collected.
- 21 (5) Adverse effects to the economy due to delays in getting  
22 homes, businesses, and infrastructure built.
- 23 (6) Unfair competition from the increased number of  
24 unlicensed and unscrupulous contractors.

25 SEC. 2.—Section 7018 is added to the Business and Professions  
26 Code, to read:

27 7018.—The board is exempt from the freeze on state  
28 employment imposed by Governor's Executive Order D-71-03.

29 SEC. 3.—This act is an urgency statute necessary for the  
30 immediate preservation of the public peace, health, or safety  
31 within the meaning of Article IV of the Constitution and shall go  
32 into immediate effect. The facts constituting the necessity are:

33 To exempt the Contractors' State License Board from the  
34 current freeze on state employment as soon as possible to allow it  
35 to effectively discharge its duties, it is necessary that this act take  
36 effect immediately.

