

**Introduced by Senator Simitian**

February 23, 2007

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An act to amend Section 209 of the Code of Civil Procedure, relating to jury service.

LEGISLATIVE COUNSEL'S DIGEST

SB 968, as introduced, Simitian. Jury service: absence.

Existing law provides that a prospective trial juror who has been summoned for service, and who fails to attend as directed or to respond, as specified, may be attached and compelled to attend and punished for contempt. Existing law, effective until January 1, 2010, permits a court, in lieu of imposing sanctions for contempt, to impose reasonable monetary sanctions if it first provides the juror with notice and an opportunity to be heard. As part of this process, a juror is required to respond to an initial summons within 12 months.

This bill would change the period within which a juror must respond to the initial summons, as described above, from within 12 months to within one year of the date of service.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 209 of the Code of Civil Procedure, as
- 2 amended by Section 5 of Chapter 567 of the Statutes of 2006, is
- 3 amended to read:
- 4 209. (a) Any prospective trial juror who has been summoned
- 5 for service, and who fails to attend as directed or to respond to the
- 6 court or jury commissioner and to be excused from attendance,

1 may be attached and compelled to attend. Following an order to  
2 show cause hearing, the court may find the prospective juror in  
3 contempt of court, punishable by fine, incarceration, or both, as  
4 otherwise provided by law.

5 (b) In lieu of imposing sanctions for contempt as set forth in  
6 subdivision (a), the court may impose reasonable monetary  
7 sanctions, as provided in this subdivision, on a prospective juror  
8 who has not been excused pursuant to Section 204 after first  
9 providing the prospective juror with notice and an opportunity to  
10 be heard. If a juror fails to respond to the initial summons within  
11 ~~12 months~~ *one year of the date of service*, the court may issue a  
12 second summons indicating that the person failed to appear in  
13 response to a previous summons and ordering the person to appear  
14 for jury duty. Upon the failure of the juror to appear in response  
15 to the second summons, the court may issue a failure to appear  
16 notice informing the person that failure to respond may result in  
17 the imposition of money sanctions. If the prospective juror does  
18 not attend the court within the time period as directed by the failure  
19 to appear notice, the court shall issue an order to show cause.  
20 Payment of monetary sanctions imposed pursuant to this  
21 subdivision does not relieve the person of his or her obligation to  
22 perform jury duty.

23 (c) (1) The court may give notice of its intent to impose  
24 sanctions by either of the following means:

25 (A) Verbally to a prospective juror appearing in person in open  
26 court.

27 (B) The issuance on its own motion of an order to show cause  
28 requiring the prospective juror to demonstrate reasons for not  
29 imposing sanctions. The court may serve the order to show cause  
30 by certified or first-class mail.

31 (2) The monetary sanctions imposed pursuant to subdivision  
32 (b) may not exceed two hundred fifty dollars (\$250) for the first  
33 violation, seven hundred fifty dollars (\$750) for the second  
34 violation, and one thousand five hundred dollars (\$1,500) for the  
35 third and any subsequent violation. Monetary sanctions may not  
36 be imposed on a prospective juror more than once during a single  
37 juror pool cycle. The prospective juror may be excused from paying  
38 sanctions pursuant to subdivision (b) of Section 204 or in the  
39 interests of justice. The full amount of any sanction paid shall be  
40 deposited in a bank account established for this purpose by the

1 Administrative Office of the Courts and transmitted from that  
2 account monthly to the Controller for deposit in the Trial Court  
3 Trust Fund, as provided in Section 68085.1 of the Government  
4 Code. It is the intent of the Legislature that the funds derived from  
5 the monetary sanctions authorized in this section be allocated, to  
6 the extent feasible, to the family courts and the civil courts. The  
7 Judicial Council shall, by rule, provide for a procedure by which  
8 a prospective juror against whom a sanction has been imposed by  
9 default may move to set aside the default.

10 (d) On or before December 31, 2008, the Judicial Council shall  
11 report to the Legislature regarding the effects of the implementation  
12 of subdivisions (b) and (c). The report shall include, but not be  
13 limited to, information regarding any change in rates of response  
14 to juror summons, the amount of moneys collected pursuant to  
15 subdivision (c), the efficacy of the default procedures adopted in  
16 rules of court, and how, if at all, the Legislature may wish to alter  
17 this chapter to further attainment of its objectives.

18 (e) This section shall remain in effect only until January 1, 2010,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2010, deletes or extends that date.