

AMENDED IN ASSEMBLY MARCH 11, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 301**

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**Introduced by Assembly Member Wagner**

February 12, 2013

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~~An act to add Section 205.5 to the Code of Civil Procedure, relating to juries.~~ *An act to amend Section 2212 of the Elections Code, relating to voter registration.*

LEGISLATIVE COUNSEL'S DIGEST

AB 301, as amended, Wagner. ~~Juries: prospective jurors: false information.~~ *Affidavits of registration: cancellation.*

*Existing law requires the clerk of the superior court of each county to furnish a statement to the chief elections official of the county that includes the names, addresses, and dates of birth of all persons who have been convicted of a felony since the clerk's last statement. The elections official is required to cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony.*

*This bill, in addition, would require the clerk of the superior court to include in these statements to the chief elections official the name, address, and date of birth of each person who has, since the clerk's last statement, declared in response to a jury summons from the superior court that he or she is not qualified to serve as a juror because he or she is not a citizen of the United States, and would require the elections official to cancel the affidavit of registration of each person so listed.*

*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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires the jury commissioner or the court to inquire as to the qualifications of persons who are or may be summoned for jury service. Existing law authorizes a jury commissioner to require a person to complete a questionnaire to be used solely for qualifying prospective jurors. Existing law only allows the questionnaire to ask questions relative to juror identification, qualification, and ability to serve as a prospective juror. Under existing law, persons who are not citizens of the United States are not eligible and qualified to be prospective jurors.~~

~~This bill would require the jury commissioner to compare the questionnaires completed pursuant to the above provisions with the list of registered voters to determine whether any person has falsely indicated that he or she is not a citizen of the United States. The bill would allow any person who falsely identifies himself or herself on the questionnaire as not being a citizen of the United States to be attached and compelled to appear before the court. Following an order to show cause, this bill would allow the court to find the prospective juror in contempt of court, punishable by a fine, incarceration, or both, as provided. Because contempt of court is punishable as a misdemeanor, this bill would create a new crime and would thereby 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 with regard to certain mandates no reimbursement is required by this act for a specified reason:~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

1     SECTION 1. *Section 2212 of the Elections Code is amended*  
2 *to read:*

3     2212. (a) The clerk of the superior court of each county, on  
4 the basis of the records of the court, shall furnish to the chief  
5 elections official of the county, not less frequently than the first  
6 day of April and the first day of September of each year, a  
7 statement ~~showing the names, addresses, and dates that includes~~  
8 *all of the following:*

9     (1) ~~The name, address, and date of birth of all persons each~~  
10 ~~person who have has been convicted of felonies a felony since the~~  
11 ~~clerk’s last report statement. The~~

12     (2) *The name, address, and date of birth of each person who*  
13 *has, since the clerk’s last statement, declared in response to a jury*  
14 *summons from the superior court that he or she is not qualified to*  
15 *serve as a juror because he or she is not a citizen of the United*  
16 *States.*

17     (b) ~~The elections official shall, during the first week of April~~  
18 ~~and the first week of September in each year, cancel the affidavits~~  
19 ~~affidavit of registration of those persons each person who are is~~  
20 ~~currently imprisoned or on parole for the conviction of a felony~~  
21 ~~and each person listed in a statement pursuant to paragraph (2)~~  
22 ~~of subdivision (a). The~~

23     (c) *The clerk shall certify the statement pursuant to subdivision*  
24 *(a) under the seal of the court.*

25     SEC. 2. *If the Commission on State Mandates determines that*  
26 *this act contains costs mandated by the state, reimbursement to*  
27 *local agencies and school districts for those costs shall be made*  
28 *pursuant to Part 7 (commencing with Section 17500) of Division*  
29 *4 of Title 2 of the Government Code.*

30     SECTION 1. ~~Section 205.5 is added to the Code of Civil~~  
31 ~~Procedure, to read:~~

32     205.5. (a) ~~The jury commissioner shall compare the~~  
33 ~~questionnaires completed pursuant to subdivision (a) of Section~~  
34 ~~205 for the purpose of qualifying prospective jurors with the list~~  
35 ~~of registered voters to determine whether any person has falsely~~  
36 ~~indicated he or she is not a citizen of the United States.~~

37     (b) ~~Any person who falsely identifies himself or herself on the~~  
38 ~~questionnaire as not being a citizen of the United States may be~~

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

5 SEC. 2. ~~No reimbursement is required by this act pursuant to~~  
6 ~~Section 6 of Article XIII B of the California Constitution for certain~~  
7 ~~costs that may be incurred by a local agency or school district~~  
8 ~~because, in that regard, this act creates a new crime or infraction,~~  
9 ~~eliminates a crime or infraction, or changes the penalty for a crime~~  
10 ~~or infraction, within the meaning of Section 17556 of the~~  
11 ~~Government Code, or changes the definition of a crime within the~~  
12 ~~meaning of Section 6 of Article XIII B of the California~~  
13 ~~Constitution.~~

14 However, if the Commission on State Mandates determines that  
15 this act contains other costs mandated by the state, reimbursement  
16 to local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.