

**ASSEMBLY BILL**

**No. 2070**

---

---

**Introduced by Assembly Member Campos**

February 20, 2014

---

---

An act to add Section 238 to the Code of Civil Procedure, relating to juries.

LEGISLATIVE COUNSEL'S DIGEST

AB 2070, as introduced, Campos. Juries: social media accounts.

Existing law, the Trial Jury Selection and Management Act, governs the selection of jurors and the formation of trial juries for both civil and criminal cases. Existing law requires a trial judge to examine prospective jurors, and, upon completion of the judge's examination, grants counsel for each party the right to examine, by oral and direct questioning, any prospective juror in order to enable counsel to intelligently exercise peremptory challenges and challenges for cause.

Existing law requires that jurors be admonished that they may not discuss the case, conduct research, or disseminate information in connection with the trial. Under existing law the prohibitions on conversation, research, and dissemination of information apply to all forms of electronic and wireless communication.

This bill would prohibit a court from requiring or requesting a juror or prospective juror to disclose a username or password for the purpose of accessing personal social media or requiring the juror or prospective juror to access personal social media in the presence of the judge, counsel for either party, or any other officer of the court.

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 238 is added to the Code of Civil  
2 Procedure, to read:

3 238. (a) As used in this section, “social media” means an  
4 electronic service or account, or electronic content, including, but  
5 not limited to, videos, still photographs, blogs, video blogs,  
6 podcasts, instant and text messages, email, online services or  
7 accounts, or Internet Web site profiles or locations.

8 (b) A court shall not require or request a juror or prospective  
9 juror to do any of the following:

10 (1) Disclose a username or password for the purpose of  
11 accessing personal social media.

12 (2) Access personal social media in the presence of the judge,  
13 counsel for either party, or any other officer of the court.