

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2101**

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**Introduced by Assembly Member Gordon**

February 17, 2016

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An act to ~~amend Section 177.5~~ *add and repeal Section 177.6* of the Code of Civil Procedure, relating to court sanctions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as amended, Gordon. Sanctions: jurors.

Existing law authorizes a judicial officer to impose reasonable money sanctions, not to exceed \$1,500, payable to the court, for any violation of a lawful court order by a person, done without good cause or substantial justification. For purposes of this provision, the term "person" includes a witness, a party, or a party's attorney.

~~This bill would provide that the term "person" also includes a juror. The bill would make other technical, nonsubstantive changes.~~

*This bill would require the Judicial Council to solicit courts for participation in a pilot project in which judicial officers of participating counties would be authorized by the bill to impose reasonable monetary sanctions, not to exceed \$1,500, on an impaneled juror for any knowing violation of a lawful court order without good cause or substantial justification that is supported by clear and convincing evidence. The bill would require the Judicial Council to conduct an evaluation of the pilot project and report the results to the Governor and the Legislature on or before July 1, 2021. The bill would repeal these provisions on January 1, 2022.*

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

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

1     SECTION 1. Section 177.6 is added to the Code of Civil  
2 Procedure, to read:

3     177.6. (a) Notwithstanding any other law, a judicial officer  
4 of a court selected pursuant to subdivision (c) for participation in  
5 the pilot project established pursuant to this section may impose  
6 reasonable monetary sanctions, not to exceed one thousand five  
7 hundred dollars (\$1,500), payable to the court, on an impaneled  
8 juror for any knowing violation of a lawful court order without  
9 good cause or substantial justification that is supported by clear  
10 and convincing evidence.

11     (b) Sanctions shall not be imposed pursuant to this section  
12 except on notice contained in a party’s moving or responding  
13 papers, or on the court’s own motion, after notice and an  
14 opportunity to be heard. An order imposing sanctions shall be in  
15 writing and shall recite in detail the conduct or circumstances  
16 justifying the order.

17     (c) On or before July 1, 2017, the Judicial Council shall solicit  
18 the participation of a representative sample of courts, taking into  
19 account size, geography, and other factors identified by the council,  
20 for participation in a pilot project to evaluate the effectiveness of  
21 this section. This section applies only to those courts participating  
22 in the pilot project.

23     (d) The Judicial Council shall conduct an evaluation of the pilot  
24 project established pursuant to this section and shall report the  
25 results of the pilot project to the Governor and the Legislature on  
26 or before July 1, 2021. The report shall also examine whether the  
27 imposition of sanctions affects the number of prospective jurors  
28 who report for jury duty. The report shall be submitted in  
29 compliance with Section 9795 of the Government Code.

30     (e) This section shall remain in effect only until January 1, 2022,  
31 and as of that date is repealed, unless a later enacted statute, that  
32 is enacted before January 1, 2022, deletes or extends that date.

33     SECTION 1. ~~Section 177.5 of the Code of Civil Procedure is~~  
34 ~~amended to read:~~

35     ~~177.5. (a) A judicial officer shall have the power to impose~~  
36 ~~reasonable money sanctions, not to exceed fifteen hundred dollars~~  
37 ~~(\$1,500), notwithstanding any other provision of law, payable to~~  
38 ~~the court, for any violation of a lawful court order by a person,~~

1 ~~done without good cause or substantial justification. This power~~  
2 ~~shall not apply to advocacy of counsel before the court. For the~~  
3 ~~purposes of this section, the term “person” includes a witness, a~~  
4 ~~juror, a party, or a party’s attorney.~~

5 (b) ~~Sanctions shall not be imposed pursuant to this section except~~  
6 ~~on notice contained in a party’s moving or responding papers, or~~  
7 ~~on the court’s own motion, after notice and opportunity to be heard.~~  
8 ~~An order imposing sanctions shall be in writing and shall recite in~~  
9 ~~detail the conduct or circumstances justifying the order.~~