

AMENDED IN ASSEMBLY MAY 2, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2418**

**Introduced by Assembly Member Migden**

February 24, 2000

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An act to amend Section 204 of, and to add Section 231.5 to, the Code of Civil Procedure, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2418, as amended, Migden. Jurors: eligibility.

Existing law specifies that no eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, or economic status.

This bill would add sexual orientation to the list of bases for which no eligible person shall be exempt from service as a trial juror.

Existing law provides for the exclusion of prospective jurors from a trial jury by preemptory challenge or challenge for cause.

This bill would specify that no party may use a preemptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because ~~he or she is a member of an identifiable group distinguished on racial, religious, ethnic,~~ *of his or her race, color, religion, sex, national origin,* sexual orientation, ~~gender,~~ or similar grounds.

The bill also would set forth the findings and intent of the Legislature in this regard.

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. (a) the Legislature finds and declares  
2 all of the following:  
3 (1) When any cognizable segment of the community  
4 is excluded from jury service, the effect is to remove from  
5 the jury room qualities of human nature and varieties of  
6 human experience.  
7 (2) Restricting jury service to only special groups or  
8 excluding identifiable segments playing major roles in  
9 the community cannot be squared with the constitutional  
10 concept of jury trial.  
11 (3) Lesbians and gay men represent such a cognizable  
12 segment of the community, sharing a common  
13 perspective based upon their membership in that  
14 community.  
15 (4) Lesbians and gay men share the common  
16 perspective of having spent their lives in a sexual  
17 minority, either exposed to, or fearful of, persecution and  
18 discrimination.  
19 (5) That perspective deserves representation in the  
20 jury venire, and people who share that perspective  
21 deserve to bear their share of the burdens and benefits of  
22 citizenship, including jury service.  
23 (b) It is the intent of the Legislature to codify the  
24 decision in *People v. Garcia* (2000) \_\_\_\_\_Cal.App.4th  
25 \_\_\_\_\_.  
26 SEC. 2. Section 204 of the Code of Civil Procedure is  
27 amended to read:  
28 204. (a) No eligible person shall be exempt from  
29 service as a trial juror by reason of occupation, race, color,  
30 religion, sex, national origin, economic status, or sexual  
31 orientation, or for any other reason. No person shall be  
32 excused from service as a trial juror except as specified in  
33 subdivision (b).



1 (b) An eligible person may be excused from jury  
2 service only for undue hardship, upon themselves or  
3 upon the public, as defined by the Judicial Council.

4 SEC. 3. Section 231.5 is added to the Code of Civil  
5 Procedure, to read:

6 231.5. A party may not use a peremptory challenge to  
7 remove a prospective juror on the basis of an assumption  
8 that the prospective juror is biased merely because ~~he or~~  
9 ~~she is a member of an identifiable group distinguished on~~  
10 ~~racial, religious, ethnic, sexual orientation, gender, or~~  
11 ~~similar grounds.~~ *of his or her race, color, religion, sex,*  
12 *national origin, sexual orientation, or similar grounds.*

