



AB-1811 (Alvarez) Lawful Permanent Residents Eligible for Jury Service

Bill Summary

AB-1811 will allow Lawful Permanent Residents (LPR) in California to be eligible for jury service. This will help diversify California's jury pools while also providing cost savings to the state.

Existing Law

Under existing law, jury duty is required of all persons except those who are:

- Under 18 years of age
- Non-citizens
- Residing outside of the jurisdiction they were summoned
- Incarcerated
- Convicted of malfeasance and not had civil rights restored
- Not proficient in the English language
- Subject of conservatorship
- On parole after being convicted of a felony
- Registered sex offenders

The exclusion of non-citizens from jury duty, regardless of their capacity or willingness to serve, is not constitutionally mandated. Jury lists are drawn in part from Department of Motor Vehicles records, which include many non-citizens, and prospective jurors are not required to produce evidence of citizenship.

Background

Jury duty is a societal obligation in our democracy and courts regularly struggle to find enough prospective jurors to meet their needs. Approximately 10 million Californians are annually summoned for jury service, with 12% of those providing an excuse and an additional 15% fail to appear. Of the 1.2 million that

request to be excused, 500,000 claim they are disqualified due to not being a citizen.

As of 2022, California has approximately 3 million LPRs, many of whom reside in California for multiple years before becoming naturalized citizens. LPRs are entitled to be parties and witnesses in court proceedings, may represent parties as attorneys, serve as judges, and be employed in every other capacity in the courts. The only role from which they are excluded is juror.

As the U.S. Supreme Court has observed, "Jury competence is an individual rather than a group or class matter.... To disregard it is to open the door to class distinctions and discriminations which are abhorrent to the democratic ideals of trial by jury."

Details of the Bill

AB-1811 will specifically amend Section 203 (a) of the Code of Civil Procedure to read:

All persons are eligible and qualified to be prospective trial jurors, except the following:

- (1) Persons who are not ***lawful permanent residents*** or citizens of the United States.

By allowing lawful permanent residents to be eligible to serve on juries, California can diversify its jury pools to be more representative of the state's population while also instilling the importance of civics to permanent residents. AB-1811 could also provide potential cost savings to the courts as less people would be excused thereby reducing the number of summons to be mailed.



For More Information

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