SB-592 Jury service. (2019-2020)

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Senate Bill No. 592

CHAPTER 230

An act to amend Section 197 of the Code of Civil Procedure, and to amend Section 19542 of, and to add Sections 19548.4 and 19585 to, the Revenue and Taxation Code, relating to juries.

[Approved by Governor September 28, 2020. Filed with Secretary of State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 592, Wiener. Jury service.

(1) The Trial Jury Selection and Management Act requires all persons be selected for jury service at random and from sources inclusive of a representative cross section of the population of the area served by the court. The act specifies that the list of registered voters and list of licensed drivers and identification cardholders who are resident within the area served by the court are appropriate source lists for the selection of jurors, and further specifies that these 2 source lists, when substantially purged of duplicate names, are considered inclusive of a representative cross section of the population.

This bill would deem the list of resident state tax filers as an appropriate source list for selection of jurors, and beginning on January 1, 2022, would deem the list of resident state tax filers, when substantially purged of duplicate names, to be considered inclusive of a representative cross section of the population, along with the two source lists described above.

This bill would require the Franchise Tax Board to annually furnish the jury commissioner of each county with a list of resident state tax filers for their county in consultation with the Judicial Council. The bill would also require the Franchise Tax Board to revise the California resident income tax return to include a space for the taxpayer’s address of their principal residence and their county of principal residence.

(2) Existing law generally makes it a misdemeanor for specified persons, including, among others, officers or employees of the state or its political subdivisions, to disclose information set forth or disclosed in returns, reports, or documents required to be filed under the franchise and income tax laws.

This bill would expressly state that this misdemeanor is applicable to jury commissioners who disclose that information.

Vote: majority   Appropriation: no   Fiscal Committee: yes   Local Program: no

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 197 of the Code of Civil Procedure is amended to read:

197. (a) All persons selected for jury service shall be selected at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. Sources may include, in addition to other lists, customer mailing lists, telephone directories, or utility company lists.

(b) (1) The list of registered voters and the Department of Motor Vehicles' list of licensed drivers and identification cardholders resident within the area served by the court, are appropriate source lists for selection of jurors. Until January 1, 2022, only these two source lists, when substantially purged of duplicate names, shall be considered inclusive of a representative cross section of the population, within the meaning of subdivision (a).

(2) The list of resident state tax filers is an appropriate source list for selection of jurors. Beginning on January 1, 2022, the list of resident state tax filers, the list of registered voters, and the Department of Motor Vehicles' list of licensed drivers and identification cardholders resident within the area served by the court, when substantially purged of duplicate names, shall be considered inclusive of a representative cross section of the population, within the meaning of subdivision (a).

(c) The Department of Motor Vehicles shall furnish the jury commissioner of each county with the current list of the names, addresses, and other identifying information of persons residing in the county who are age 18 years or older and who are holders of a current driver's license or identification card issued pursuant to Article 3 (commencing with Section 12800) of, or Article 5 (commencing with Section 13000) of, Chapter 1 of Division 6 of the Vehicle Code. The conditions under which these lists shall be compiled semiannually shall be determined by the director, consistent with any rules which may be adopted by the Judicial Council. This service shall be provided by the Department of Motor Vehicles pursuant to Section 1812 of the Vehicle Code. The jury commissioner shall not disclose the information furnished by the Department of Motor Vehicles pursuant to this section to any person, organization, or agency.

(d) (1) The Franchise Tax Board shall annually furnish the jury commissioner of each county with a list of resident state tax filers for their county in consultation with the Judicial Council.

(2) The list of resident state tax filers shall be submitted to the jury commissioner of each county by November 1, 2021, and each November 1 thereafter.

(3) (A) For purposes of this section, "list of resident state tax filers" means a list that includes the name, date of birth, principal residence address, and county of principal residence, of persons who are 18 years of age or older and have filed a California resident income tax return for the preceding taxable year.

(B) For purposes of this paragraph, "county of principal residence" means the county in which the taxpayer has their principal residence on the date that the taxpayer filed their California resident income tax return.

(C) For the purposes of this paragraph, "principal residence" is used in the same manner it is used in Section 121 of the Internal Revenue Code.

SEC. 2. Section 19542 of the Revenue and Taxation Code is amended to read:

19542. Except as otherwise provided in this article and as required to administer Section 19005, it is a misdemeanor for the Franchise Tax Board or any member thereof, or any deputy, agent, clerk, or other officer or employee of the state, including its political subdivisions, or a jury commissioner, or any former officer or employee or other individual, who in the course of their employment or duty has or had access to returns, reports, or documents required to be filed under this part, to disclose or make known in any manner information as to the amount of income or any particulars, including the business affairs of a corporation, set forth or disclosed therein.

SEC. 3. Section 19548.4 is added to the Revenue and Taxation Code, to read:

19548.4. The Franchise Tax Board shall annually furnish the jury commissioner of each county with a list of resident state tax filers, as defined in Section 197 of the Code of Civil Procedure, for the purpose of expanding jury pools.

SEC. 4. Section 19585 is added to the Revenue and Taxation Code, to read:

19585. (a) The Franchise Tax Board shall revise the California resident income tax return to include a space for the taxpayer's address of their principal residence and their county of principal residence.

(b) For purposes of this section, "county of principal residence" means the county in which the taxpayer has their principal residence on the date that the taxpayer filed their California resident income tax return.

(c) For the purposes of this section, "principal residence" is used in the same manner it is used in Section 121 of Title 26 of the United States Code.