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AB-2985 Courts: mental health advisement. (2023-2024)

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Assembly Bill No. 2985

CHAPTER 204

An act to add Section 242 to the Code of Civil Procedure, relating to courts.

[Approved by Governor August 26, 2024. Filed with Secretary of State August 26, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2985, Hart. Courts: mental health advisement.

The Trial Jury Selection and Management Act requires all persons be selected for jury service at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. Existing law requires the court, in a criminal jury trial, to conduct an initial examination of prospective jurors.

This bill would require the court, in a criminal action or proceeding alleging a violent felony, as defined, after the receipt of a verdict or where a jury did not render a verdict, but before discharging the jury, to provide written information to the trial jurors, and distribute, in a manner determined by the court, information to the discharged alternate jurors, about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma. The bill would authorize the court to provide this information to jurors or alternate jurors in other criminal proceedings. The bill would require the Judicial Council to develop the written educational information that the court is required to print and distribute, as specified.

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

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

SECTION 1. Section 242 is added to the Code of Civil Procedure, to read:

242. (a) Following the receipt of a verdict and before discharging the jury in a criminal action or proceeding alleging a violent felony, the court shall provide written information to the trial jurors about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.

(b) Following the receipt of a verdict in a criminal action or proceeding alleging a violent felony, the court shall distribute, in a manner determined by the court, information to the alternate jurors who have been discharged from their duty about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.

(c) At the conclusion of a criminal action or proceeding alleging a violent felony in which evidence was presented, but a verdict was not rendered by the jury, the court shall provide written information about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma, before discharging the jury and

alternate jurors. The information shall only be provided after the jurors and alternate jurors are no longer responsible for rendering a verdict in the trial.

(d) The court may share this information with jurors and alternate jurors following the conclusion of a criminal action or proceeding alleging an offense that is not a violent felony.

(e) The Judicial Council shall develop the written educational information that the court shall print and distribute pursuant to this section. The information shall include, but shall not be limited to, the signs and symptoms of distress, healthy coping mechanisms, and how to seek help for exposure to trauma if needed.

(f) For the purposes of this section, "violent felony" has the same definition as in subdivision (c) of Section 667.5 of the Penal Code.