



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-038

For business meeting on November 15, 2024

Title

Judicial Council–Sponsored Legislation:
Juror and Prospective Juror Oaths Using
Plain Language

Report Type

Action Required

Effective Date

November 15, 2024

Rules, Forms, Standards, or Statutes Affected

Code Civ. Proc., § 232

Date of Report

November 8, 2024

Recommended by

Court Executives Advisory Committee and
Jury Administration and Management
Subcommittee
Darrel E. Parker, Chair

Contact

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Executive Summary

The Court Executives Advisory Committee and its Jury Administration and Management Subcommittee recommend the Judicial Council sponsor legislation to amend Code of Civil Procedure section 232 to use plain language for the juror and prospective juror oaths (i.e., the perjury acknowledgment and agreement) provided therein. Using plain language will improve comprehension by jurors and prospective jurors and will align with other plain-language jury instructions used by the California judicial branch. If the Judicial Council sponsors this legislation, it could become effective as early as January 1, 2026.

Recommendation

The Court Executives Advisory Committee and its Jury Administration and Management Subcommittee recommend that the Judicial Council sponsor legislation to amend Code of Civil Procedure section 232, effective January 1, 2026, to use plain language for the juror and prospective juror oaths provided therein.

The proposed legislation is attached at page 4.

Relevant Previous Council Action

The council has taken no previous action on this issue.

Analysis/Rationale

The oaths administered to prospective jurors during voir dire and prior to seating a sworn trial jury are governed by Code of Civil Procedure section 232. These oaths ensure that prospective jurors understand that they must provide accurate and truthful answers during voir dire and could face criminal prosecution for failing to do so. These oaths also ensure that jurors to be sworn for a given trial understand that they must carefully consider the case they will serve on and reach a verdict only based on the evidence presented to them as well as the lawful instructions of the court. Although the Judicial Council has adopted award-winning plain-language civil and criminal jury instructions that accurately convey the law using language that is understandable to jurors, there has been no such change for these oaths. The statute has not been updated since 1989.

The sponsored legislation would amend Code of Civil Procedure section 232 by replacing the juror and prospective juror oaths with plain-language oaths developed by the Court Executives Advisory Committee, the Jury Administration and Management Subcommittee, Judicial Council staff, and subject matter experts. By sponsoring this legislation, the Judicial Council would increase access to justice by ensuring jurors and prospective jurors receive plain-language instructions in the oaths they take during jury selection and before commencing with a jury trial as they do when sitting as sworn jurors.

Policy implications

Revising the oaths in Code of Civil Procedure section 232 to reflect plain language is consistent with the Judicial Council's adoption of plain-language jury instructions.

Comments

During the drafting of the original proposal, the Judicial Council's Jury Improvement Program received internal comments from the staff attorneys supporting the civil and criminal jury instruction committees, as well as from the Judicial Council's Legal Services and Governmental Affairs offices. The proposal circulated for public comment from May 28 through July 12 during the spring 2024 invitation-to-comment cycle. All comments received for this proposal expressed support, with only two commenters seeking minor clarifying changes. Specifically, the proposal received eight comments, with six in favor and two in favor if amended. The responses to each comment are available in the attached comments chart at pages 5 and 6. Commenters included the Orange County Bar Association, the California Judges Association, the court executive officer of the Superior Court of San Diego County, as well as two judges from the Superior Court of Los Angeles County. The committee considered and incorporated all of the comments into the final language for this proposal.

Alternatives considered

The Jury Administration and Management Subcommittee and the Court Executives Advisory Committee determined that the use of plain language in the oaths administered to jurors and prospective jurors would aid comprehension and provide consistency, and that there was no compelling argument against this change. Thus, the committee did not consider the alternative of taking no action to revise the oaths.

Fiscal and Operational Impacts

There are no expected fiscal impacts from this proposal. If approved, the Judicial Council will disseminate a notice of revision of these oaths to each trial court to ensure that they are uniformly adopted.

Attachments and Links

1. Code Civ. Proc., § 232, at page 4
2. Chart of comments, at pages 5 and 6
3. Link A: Code Civ. Proc., § 232,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=232

Code of Civil Procedure section 232 would be amended, effective January 1, 2026, to read:

1 **§ 232. Perjury admonishment; Acknowledgment and agreement**

2
3 (a) Prior to the examination of prospective trial jurors in the panel assigned for voir dire,
4 the following perjury ~~acknowledgement~~ acknowledgment and agreement shall be
5 obtained from the panel, which shall be acknowledged by the prospective jurors with the
6 statement “I do”:

7
8 “Do you, ~~and each of you,~~ understand and agree, under the penalty of
9 perjury, that you will accurately and truthfully answer, ~~under penalty of~~
10 ~~perjury,~~ all questions ~~propounded to you concerning~~ about your
11 qualifications and ~~competency~~ ability to serve as a ~~trial juror in the matter~~
12 this case pending before this court, and that failure to do so may ~~subject~~
13 ~~you to~~ result in criminal prosecution?”

14
15 (b) As soon as the selection of the trial jury is completed, the following acknowledgment
16 and agreement shall be obtained from the trial jurors, which shall be acknowledged by
17 the statement “I do”:

18
19 “Do you ~~and each of you~~ understand and agree that you will ~~well and truly~~
20 ~~try the cause now pending before~~ carefully consider the case being heard
21 in this court, and a ~~true verdict render according~~ that you will reach a
22 verdict based only ~~to~~ on the evidence presented to you and ~~to~~ the
23 instructions ~~of~~ on the law given by the court-?”

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All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Judge Daniel Crowley, Los Angeles Superior Court	A	None.	No response required.
2.	Mike Roddy, Court Executive Officer, San Diego Superior Court	AM	Propose modifying the language of subdivision (a) to state: Do you understand and agree <u>under the penalty of perjury</u> that you will accurately and truthfully answer all questions about your qualifications and ability to serve as a juror in this case, under the penalty of perjury , and that failure to do so may result in prosecution?	The subcommittee agreed with the response and modified the proposal to incorporate these comments.
3.	Christina Zabat-Fran, Orange County Bar Association President	A	“The proposal appropriately addresses the stated purpose. The new suggested language for each subdivision is easy to understand. Plain English enables lay persons to readily comprehend that which is required of them by each oath.”	No response required.
4.	Judge Khymerli Apaloo, Superior Court of San Bernardino and California Judges Association	AM	“In subdivision (a) it seems appropriate to reinsert the word ‘criminal\’ before the word ‘prosecution.’ It may be redundant, but it’s not hard to understand and it underscores the severity of the offense if the oath is broken.”	The subcommittee agreed with the response and modified the proposal to incorporate these comments.
5.	Mario Choi	A	None.	No response required.
6.	Judge Kelvin Filer, Los Angeles Superior Court	AM	“For proposal (a), please add ‘answer, under penalty of perjury’ ..to put that requirement up front !	The subcommittee agreed with the response and modified the proposal to incorporate these comments.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

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	Commenter	Position	Comment	Committee Response
			“For proposal (b), please add ‘instructions on the law’ instead of simply saying the court's instructions”	
7.	Joyce McLaughlin, Court Compliance Analyst	A	None.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated