Governor Newsom signed CACJ Sponsored Legislation to Stop Racial Discrimination in Jury Selection

AB 3070 strengthens current law to prevent discriminatory exclusion of people of color from juries

September 30, 2020

Sacramento – Earlier today Governor Gavin Newsom signed AB 3070, by Assemblymember Shirley Weber, into law. The bill addresses the ongoing problem of prosecutors systematically excluding people of color from juries through the exercise of peremptory challenges.

"The unjustified exclusion of people of color from juries is a long-standing practice by prosecutors that subverts our judicial system," commented Eric Schweitzer, President of the California Attorneys for Criminal Justice (CACJ), a statewide association of criminal defense attorneys in private practice and working in public defender offices. "This new law reinforces the right of people of color to have a seat in the jury box and to help decide the outcome of criminal trials. Racial equality in jury selection is needed to ensure the fair administration of justice."

AB 3070 was in part drafted in response to a landmark study and research conducted by the UC Berkeley School of Law Death Penalty Clinic. Elisabeth Semel, Director of the Clinic and a past President of CACJ, authored the report. This report outlined racially discriminatory strategies used by prosecutors to exclude people of color from juries and identified the ineffectiveness of current law in stopping these practices.

"The report confirmed what we saw daily in courtrooms: prosecutors are being trained to exclude people of color and to use non-racial terms as a pretext for this discriminatory practice," commented Stephen Munkelt a criminal defense attorney and Executive Director of CACJ.

AB 3070 requires prosecutors to fully explain their reasoning for excluding people of color from juries and empowers judges to thoroughly assess whether racial bias, implicit or otherwise, is the true motivator for the exclusion.

In a recent Los Angeles County case, a prosecutor argued that he was justified in excluding a young African-American woman from a jury simply because she lives in L.A. County and likely was aware of police brutality and harassment.

"It's time that we make every effort to eradicate racial bias from our criminal justice system, and have the courage to take on institutional racism," added Allison Zuvela Vice-President of CACJ. "We are grateful to Assemblymember Weber and Governor Newsom for taking this bold step that clearly sends the message that racial discrimination has no place in our criminal justice system."