

---

## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair  
2025 - 2026 Regular

---

**Bill No:** AB 223                      **Hearing Date:** June 24, 2025  
**Author:** Pacheco  
**Version:** January 9, 2025  
**Urgency:** No                                      **Fiscal:** No  
**Consultant:** CA

**Subject:** *Jury selection: acknowledgment and agreement*

### HISTORY

**Source:** Judicial Council of California

**Prior Legislation:** None

**Support:** Unknown

**Opposition:** None known

**Assembly Floor Vote:** 72 - 0

### PURPOSE

***The purpose of this bill is to revise and modernize the juror acknowledgments and agreements obtained from prospective jurors prior to voir dire and after jury selection is completed.***

*Existing law* establishes the Trial Jury Selection and Management Act. (Code of Civ. Pro., § 190 et seq.)

*Existing law* provides that all persons selected for jury service are to 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, including but not limited to Department of Motor Vehicle records, voting rolls, tax filer lists, customer mailing lists, telephone directories, and utility company lists. (Code Civ. Pro., § 197.)

*Existing law* provides that in order to select a fair and impartial jury in both civil and criminal jury trials, a trial judge must conduct an initial examination of prospective jurors, or voir dire. (Code Civ. Pro., §§ 222.5, subd. (a), 223, subd. (a).)

Existing law provides that upon completion of the trial judge's initial examination, counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors, as specified. (Code Civ. Pro., §§ 222.5, subd. (b), 223, subd. (b).)

*Existing law* provides that prior to the examination of prospective trial jurors in the panel assigned for voir dire, the following perjury acknowledgement and agreement shall be obtained from the panel, which shall be acknowledged by the prospective jurors with the statement "I do":

Do you, and each of you, understand and agree that you will accurately and truthfully answer, under penalty of perjury, all questions propounded to you concerning your qualifications and competency to serve as a trial juror in the matter pending before this court; and that failure to do so may subject you to criminal prosecution. (Code Civ. Pro., § 232, subd. (a).)

*This bill* requires that the pre voir dire acknowledgment and agreement instead read as follows:

Do you understand and agree, under penalty of perjury, that you will accurately and truthfully answer all questions about your qualifications and ability to serve as a juror in this case, and that failure to do so may result in criminal prosecution?

*Existing law* requires that as soon as the selection of the trial jury is completed, the following acknowledgment and agreement shall be obtained from the trial jurors, which shall be acknowledged by the statement “I do”:

Do you and each of you understand and agree that you will well and truly try the cause now pending before this court, and a true verdict render according only to the evidence presented to you and to the instructions of the court. (Code Civ. Pro., § 232, subd. (b).)

*This bill* requires that the post jury selection acknowledgment and agreement instead read as follows:

Do you understand and agree that you will carefully consider the case being heard in this court, and that you will reach a verdict based only on the evidence presented to you and the instructions on the law given by the court?

## COMMENTS

### 1. Need for This Bill

According to the author:

AB 223 updates the language of the statutory oaths administered to jurors by replacing outdated legal language with clear, plain language that all jurors can easily understand. This proposal is comprised of technical amendments, and otherwise leaves the substance of the oaths intact.

### 2. Background

According to information provided by the author’s office: “Current jury oaths in the Code of Civil Procedure section 232 contain archaic language that may confuse jurors. For example, the juror selection oath requires jurors to acknowledge that they will truthfully answer all questions “propounded” to them concerning their qualifications and competency. The other oath requires jurors to agree that they will “well and truly try the cause now pending before this court, and a true verdict render.” This outdated language creates unnecessary barriers to understanding the oaths and may prevent jurors from comprehending the duties that they are agreeing to carry out.”

### 3. Argument in Support

According to the Judicial Council of California, the sponsor of this bill:

The Judicial Council is pleased to sponsor Assembly Bill 223 (Pacheco) which makes plain language revisions to the juror and prospective juror oaths obtained from the jury panel prior to the examination of prospective trial jurors assigned for voir dire and after the completion of selection of trial jurors. This proposal is comprised of technical amendments, and otherwise leaves the substance of the oaths intact.

Under existing law, jurors generally must take an oath at two different stages of a trial. The first oath they must take occurs prior to jury selection, in which they agree to accurately and truthfully answer all questions concerning their qualifications and competency to serve as a trial juror. The second oath occurs right after jury selection is over; jurors must acknowledge that they will consider the case before them, and reach a verdict based only on the evidence and the court's instructions.

Code of Civil Procedure section 232 sets forth the express text of the oaths that must be read to jurors. The statutory language uses words and phrases that may be outdated or unfamiliar for those serving on a jury. For example, the juror selection oath requires jurors to acknowledge that they will truthfully answer all questions "propounded" to them concerning their qualifications and competency. The other oath requires jurors to agree that they will "well and truly try the cause now pending before this court, and a true verdict render" according to the evidence and court instructions. Such language can serve as a barrier that limits a juror's ability to understand the oaths and the duties that they are agreeing to carry out.

AB 223 makes narrowly tailored plain language revisions to the oaths so that jurors can better understand them. Using plain language when interacting with juries has been a longstanding goal for the Judicial Council. Both a Blue Ribbon Commission on Jury System Improvement from 1996, and a Task Force on Jury System Improvement from 2004, suggested that plain language instructions be given to jurors. While the suggestion to use plain language was adopted in the context of jury instructions, the statute governing juror oaths has remained untouched since 1989. This bill continues the task of using plain language in the jury context, so that jurors can more readily fulfill their roles in the justice system.

For these reasons, the Judicial Council is pleased to sponsor AB 223.

-- END --