

Jurors: Electronic Communications

This Act generally requires a court, when admonishing a jury against conversation, research, or dissemination of information pursuant to the trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of electronic and wireless communication. It requires the officer in charge of a jury to prevent any form of electronic or wireless communication. The Act makes violating such admonishment punishable as civil or criminal contempt of court.

Submitted as:

California

[Chapter 181](#)

Status: Enacted into law in 2011.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Address Jurors’ Using
2 Electronic Communications to Research or Disseminate Information about Trials.”

3
4 Section 2. [*Jurors’ Use of Electronic and Wireless Communications.*]

5 (A) In a civil proceeding, if a jury is permitted to separate, either during the trial or after the
6 case is submitted to them, they shall be admonished by the court that it is their duty not to conduct
7 research, disseminate information, or converse with, or permit themselves to be addressed by, any
8 other person on any subject of the trial, and that it is their duty not to form or express an opinion
9 thereon until the case is finally submitted to them. The court shall clearly explain, as part of the
10 admonishment, that the prohibition on research, dissemination of information, and conversation
11 applies to all forms of electronic and wireless communication.

12 (B) In a civil proceeding, when a case is finally submitted to a jury, they may decide in court
13 or retire for deliberation. If they retire, they must be kept together in some convenient place, under
14 charge of an officer, until [at least three-fourths] of them agree upon a verdict or are discharged by
15 the court. Unless by order of the court, the officer having them under charge shall not permit any
16 communication to be made to them, including any form of electronic or wireless communication, or
17 make any himself or herself, except to ask them if they or [at least three-fourths] of them are agreed
18 upon a verdict.

19 (C) In a civil proceeding, willful disobedience by a juror of a court admonishment related to
20 the prohibition on any form of communication or research about their case, including all forms of
21 electronic or wireless communication or research, is in respect to a court of justice, or proceedings
22 therein, included in [insert citation] as contempt of the authority of the court.

23 (D) In a civil proceeding, willful disobedience by a juror of a court admonishment related to
24 the prohibition on any form of communication or research about the case, including all forms of
25 electronic or wireless communication or research, is a [misdemeanor] for contempt of court.

26 (E) In a criminal proceeding, after a jury has been sworn and before the people’s opening
27 address, the court shall instruct the jury generally concerning its basic functions, duties, and conduct.
28 The instructions shall include, among other matters, the admonition that jurors shall not converse
29 among themselves, or with anyone else, conduct research, or disseminate information on any subject
30 connected with the trial. The court shall clearly explain, as part of the admonishment, that the

31 prohibition on conversation, research, and dissemination of information applies to all forms of
32 electronic and wireless communication.

33 (F) In a criminal proceeding, the jury shall also, at each adjournment of the court before the
34 submission of the cause to the jury, whether permitted to separate or kept in charge of officers, be
35 admonished by the court that it is their duty not to conduct research, disseminate information, or
36 converse among themselves, or with anyone else, on any subject connected with the trial, or to form
37 or express any opinion about the case until the cause is finally submitted to them. The court shall
38 clearly explain, as part of the admonishment, that the prohibition on research, dissemination of
39 information, and conversation applies to all forms of electronic and wireless communication.

40 (G) In a criminal proceeding, after hearing the charge, the jury may either decide in court or
41 retire for deliberation. If they do not agree without retiring for deliberation, an officer shall be sworn
42 to keep them together for deliberation in some private and convenient place, and, during the
43 deliberation, not to permit any person to speak to or communicate with them, including any form of
44 electronic or wireless communication, nor to do so himself or herself, unless by order of the court, or
45 to ask them whether they have agreed upon a verdict, and to return them into court when they have
46 so agreed, or when ordered by the court.

47 (H) In a criminal proceeding, willful disobedience by a juror of a court admonishment related
48 to the prohibition on any form of communication or research about the case, including all forms of
49 electronic or wireless communication or research, is a [misdemeanor] for contempt of court.

50 Section 3. [*Severability.*] [Insert severability clause.]

51
52 Section 4. [*Repealer.*] [Insert repealer clause.]

53
54 Section 5. [*Effective Date.*] [Insert effective date.]