

## CCP 209 (FTA~90 DAYS)

Submitted by Amy Seydel, Monterey County

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I do have a question regarding CCP 209. I interpret the section to read this notice should not be sent until after 90 days of the initial failure to appear. Do other counties interpret the code section this way? If so, are other counties waiting the ninety days to follow through with any further notices?

**209.** (a) Any prospective trial juror who has been summoned for service, and who fails to attend as directed or to respond to the court or jury commissioner and to be excused from attendance, may be attached and compelled to attend. Following an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine, incarceration, or both, as otherwise provided by law.

(b) In lieu of imposing sanctions for contempt as set forth in subdivision (a), the court may impose reasonable monetary sanctions, as provided in this subdivision, on a prospective juror who has not been excused pursuant to Section 204 after first providing the prospective juror with notice and an opportunity to be heard. **If a juror fails to respond to the initial summons the court may issue a second summons indicating that the person failed to appear in response to a previous summons and ordering the person to appear for jury duty. The second summons may be issued no earlier than 90 days after the initial failure to appear.** Upon the failure of the juror to appear in response to the second summons, the court may issue a failure to appear notice informing the person that failure to respond may result in the imposition of money sanctions. If the prospective juror does not attend the court within the time period as directed by the failure to appear notice, the court shall issue an order to show cause. Payment of monetary sanctions imposed pursuant to this subdivision does not relieve the person of his or her obligation to perform jury duty.

Ayanna Cage	AOC: Under our new statute, the 90 day waiting period triggers the start of a compliance action under CCP 209(b)—resulting in monetary sanctions only. But, a court can send a reminder <i>postcard</i> follow-up notice to a juror who fails to appear on the first summons, but must wait a minimum of 90 days after that before sending another <i>summons</i> that includes notice that the person has previously failed to appear. Courts can choose to wait longer than 90 days before initiating a compliance action too.
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