

RESOLUTION 11-11-2002

DIGEST

Prosecution's Name in Jury Instructions

Amends California Jury Instruction Criminal (CALJIC) 1.06 to change the designation of the prosecution from The People to The State of California.

RESOLUTIONS COMMITTEE RECOMMENDATION

DISAPPROVE

Reasons:

This resolution amends California Jury Instruction Criminal (CALJIC) 1.06 to change the designation of the prosecution from The People to The State of California. This resolution should be disapproved because it is addressed to the wrong body, it conflicts with statutory language, and there is no substantive basis for believing there is a problem to correct.

This resolution seeks to have the Judicial Council of California amend CALJIC 1.06. However, the Los Angeles Superior Court writes CALJIC instructions, not the Judicial Council. Therefore, this resolution is addressed to the wrong body.

Last year the conference approved resolution 06-09-2001, which proposed to amend Government Code section 100, subdivision (b), to provide that all criminal prosecution be brought in the name of the State of California. If that resolution were enacted into law, appropriate changes in other statutes and jury instructions would presumably follow to conform to it. However, until that happens, this amendment merely creates a confusing conflict between the jury instructions and the statute. Under this resolution, juries would be instructed that the case was being brought by the State of California. Yet the pleadings, verdict forms and other instructions would continue to refer to the People of the State of California.

TEXT OF RESOLUTION

RESOLVED that the Conference of Delegates recommend that the Judicial Council amend California Jury Instruction (CALJIC) Number 1.06 as follows:

- 1 1.06
- 2 The plaintiff in this matter is the ~~People of the~~ State of California.
- 3 The defendants are

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS

Existing Law: The California Jury Instructions refer to the Prosecution in a criminal case as the People of the State of California whereas the vast majority of other jurisdictions and the federal government refer to the prosecution as simply the State or the United States.

The Problem: Language influences our perceptions so we have made strides toward neutral language to avoid subtle discriminations of special classes. A legal system that is to level the playing field cannot tolerate the biased language that refers to the government as the people. Last year this Conference adopted Amended Resolution 06-09-2001 which recommended amending Government Code section 100(b) to provide that process in a criminal case issue in the name of the "State of California" rather than in the name of "The People of the State of California." This resolution is a companion resolution that should be

approved and submitted with Resolution 06-09-2001 to the Legislature.

This Resolution: This resolution would amend the instruction to more accurately reflect the party that the prosecution represents, the government.

IMPACT STATEMENT

This proposed resolution does not affect any other law, statute, or rule.

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