

## Jury Selection

### C.C.P. 231.5

(Amended)

(Ch. 115) (AB 87)

(Effective 1/1/2016)

**Adds these four characteristics that cannot be the basis for a peremptory challenge: ethnic group identification, age, genetic information, and disability.**

Expands the list of characteristics that cannot be the basis for a peremptory challenge to remove a prospective juror to 10. *Previously*, this section prohibited the use of a peremptory challenge to remove a prospective juror “on the basis of an assumption that the prospective juror is biased merely because of his or her race, color, religion, sex, national origin, sexual orientation, or similar grounds.”

C.C.P. 231.5 now prohibits the use of a peremptory challenge to remove a prospective juror “on the basis of an assumption that the prospective juror is biased merely because of a characteristic listed or defined in Section 11135 of the Government Code, or similar grounds.” **Gov’t C. 11135 lists the six characteristics previously specified in C.C.P. 231.5 and also adds these four: ethnic group identification, age, genetic information, and disability.**

“Disability” is defined in Gov’t Code 11135(c)(1) as any mental or physical disability.

“Genetic information” means: information about an individual’s genetic tests; the genetic tests of a family member; the manifestation of a disease or disorder in a family member; or any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or family member.

**Note:** These requirements apply to counsel for both the prosecution and the defense.