



May 10, 2024

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RE: Statement of the Franklin H. Williams Judicial Commission Regarding the Jury of Our Peers Act S.206A (Cleare)/ A.1432A(Aubry)

The right to serve on a jury is fundamental to civic engagement and participation in the democratic process. As Justice Kennedy states in *Powers v. Ohio*, "with the exception of voting, for most citizens the honor and privilege of jury duty is their most significant opportunity to participate in the democratic process."¹ The Franklin H. Williams Judicial Commission implores Governor Hochul and the New York State Legislature to safeguard our democratic process and principles by passing the Jury of Our Peers Act S.206A (Cleare)/A.1432A (Aubry).

The mission of the Williams Commission includes promoting equal access to justice for all New Yorkers by taking affirmative steps to address and eliminate barriers to racial and ethnic fairness in the courts and legal profession. In furtherance of this effort, the Williams Commission has formed a task force to address juror diversification statewide.

Jury diversification is impeded by the exclusion of those with past felony convictions from the juror pool. Historically communities of color have had less participation on juries, including being prohibited as a result of prior felony convictions. New York State Judiciary Law §510(3) prohibits those with past felony convictions from jury service, short of a long and arduous process.² This exclusion perpetuates the continued disenfranchisement and disparate impact felt by communities of color who have historically been the victims of racialized policing, prosecution, and excessive sentencing. It effectively denies people the right to a jury of their peers granted under the Sixth and Seventh Amendments of the United States Constitution.

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Hon. Richard B. Lowe III*
Hon. Rose H. Sconiers
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¹ *Powers v. Ohio*, 499 U.S. 400, 407 (1991).

² Those with past felony convictions may apply for a Certificate of Relief from Disabilities and/or for a Certificate of Good Conduct to relieve them of the "disability" or rather, ineligibility to qualify for jury service, revocable until completion of their entire sentence including post-release supervision. However, a commissioner of jurors may still consider the criminal conviction itself when determining if they would be qualified to serve as a juror. See NY CLS Correc §§701, 702, and 703.

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The Jury of Our Peers Act would restore the rights of those with past felony convictions to serve on juries and recognizes "...that those eligible for jury service are to be found in every stratum of society."³ In 2021, the New York State legislature recognized the right to vote as an essential part of rehabilitation and reintegration into society by automatically restoring the right to vote to those with felony convictions upon their release.⁴ The American Probation and Parole Association also supports jury service and participation in the democratic process as a vital part of the re-entry process for those with past felony convictions. In restoring these fundamental rights, those recently released from prison will ideally "engage in other civic duties and assume more responsibility for ensuring the health of public life."⁵

The Franklin H. Williams Judicial Commission believes the right to serve on a jury is fundamental. Restoring the eligibility for those with past felony convictions encourages and facilitates the reintegration of those recently released from incarceration back into the community and a successful reentry into society. Equal access to justice requires that New York restore the rights of those with past felony convictions to the juror pool, as this prohibition serves no legitimate purpose and impedes the fundamental right to participation in the democratic process and self-governance. The Williams Commission strongly encourages Governor Hochul and the New York State Legislature to pass the Jury of Our Peers Act S.206A (Clear)/A.1432A (Aubry) in this legislative session.

Sincerely yours,



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³ *Thiel v. Southern Pacific Co.*, 328 U.S 217, 220 (1946).

⁴ Sponsor Memo, N.Y. Senate Bill S.830B, <https://www.nysenate.gov/legislation/bills/2021/S830>.

⁵ American Probation and Parole Association, Support for the Jury of Our Peers Act (S.206A (Clear)/A.1432A (AURBY)), January 22, 2024. <https://drive.google.com/file/d/1vWUwAKX981KB2BNje3FFWQgRKRYfvvXx/vie> (last accessed May 6, 2024).