

CONSTITUTION OF CALIFORNIA

PREAMBLE: We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I DECLARATION OF RIGHTS [SECTION 1 - SEC. 32] *(Article 1 adopted 1879.)*
SELECTED EXCERPTS. [Full Text of Article I, California Constitution, Declaration of Rights](#)

SECTION 1.

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

(Sec. 1 added Nov. 5, 1974, by Proposition 7. Resolution Chapter 90, 1974.)

SECTION 2.

(a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

SECTION 3.

(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

SECTION 7.

(a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution

SECTION 13.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

(Sec. 13 added Nov. 5, 1974, by Prop. 7. Res.Ch. 90, 1974.)

SECTION 16.

Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

[Seventh Amendment. Constitution for the United States.](#)

The right to a jury trial is a fundamental legal principle preserved by the U.S . Constitution, ensuring that individuals have the right to be judged by their peers in both civil and criminal cases.

Constitutional Basis

The right to a jury trial is primarily enshrined in the **Seventh Amendment** of the U.S. Constitution, which states that the right of trial by jury shall be preserved in s

uits at common law where the value in controversy exceeds twenty dollars. This amendment emphasizes that the right to a jury trial is **inviolable**, meaning it cannot be infringed upon or violated by legislation or judicial action.

[Cornell University+1](#)

State Variations

While the Seventh Amendment applies to federal courts, many states have their own constitutional provisions that guarantee the right to a jury trial. For example, the Georgia Constitution explicitly states that the right to trial by jury shall remain inviolable, reflecting a strong commitment to this principle at the state level. Similarly, the California Constitution also preserves this right, allowing for a jury to be waived only by mutual consent of the parties involved.

[UGA+1](#)

Legal Interpretations

The U.S. Supreme Court has interpreted the right to a jury trial in various contexts, particularly in criminal prosecutions. The **Sixth Amendment** guarantees the right to a speedy and public trial by an impartial jury, which is crucial for protecting defendants against potential government overreach. However, the Court has also recognized exceptions, such as in cases of "petty offenses," where a jury trial may not be required.

[Congress.gov+1](#)

Importance of the Right

The right to a jury trial serves several important functions:

- **Protection Against Oppression:** It acts as a safeguard against arbitrary government actions and ensures that legal decisions reflect community standards and values.
- **Public Participation:** Jury trials promote civic engagement by allowing ordinary citizens to participate in the judicial process.
- **Fairness and Impartiality:** A jury composed of peers is believed to provide a more balanced and fair assessment of the evidence presented in court.

In summary, the **inviolable right to a jury trial** is a cornerstone of the American legal system, deeply rooted in constitutional law and upheld by various state constitutions. It plays a critical role in ensuring justice and protecting individual rights in both civil and criminal proceedings.

SECTION 28.

(a) The People of the State of California find and declare all of the following:

(1) Criminal activity has a serious impact on the citizens of California. The rights of victims of crime and their families in criminal prosecutions are a subject of grave statewide concern.

(2) Victims of crime are entitled to have the criminal justice system view criminal acts as serious threats to the safety and welfare of the people of California. The enactment of comprehensive provisions and laws ensuring a bill of rights for victims of crime, including safeguards in the criminal justice system fully protecting those rights and ensuring that crime victims are treated with respect and dignity, is a matter of high public importance. California's victims of crime are largely dependent upon the proper functioning of government, upon the criminal justice system and upon the expeditious enforcement of the rights of victims of crime described herein, in order to protect the public safety and to secure justice when the public safety has been compromised by criminal activity.

(3) The rights of victims pervade the criminal justice system. These rights include personally held and enforceable rights described in paragraphs (1) through (17) of subdivision (b).

(4) The rights of victims also include broader shared collective rights that are held in common with all of the People of the State of California and that are enforceable through the enactment of laws and through good-faith efforts and actions of California's elected,

appointed, and publicly employed officials. These rights encompass the expectation shared with all of the people of California that persons who commit felonious acts causing injury to innocent victims will be appropriately and thoroughly investigated, appropriately detained in custody, brought before the courts of California even if arrested outside the State, tried by the courts in a timely manner, sentenced, and sufficiently punished so that the public safety is protected and encouraged as a goal of highest importance.

(5) Victims of crime have a collectively shared right to expect that persons convicted of committing criminal acts are sufficiently punished in both the manner and the length of the sentences imposed by the courts of the State of California. This right includes the right to expect that the punitive and deterrent effect of custodial sentences imposed by the courts will not be undercut or diminished by the granting of rights and privileges to prisoners that are not required by any provision of the United States Constitution or by the laws of this State to be granted to any person incarcerated in a penal or other custodial facility in this State as a punishment or correction for the commission of a crime.

....

(13) To restitution.

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

....