

SUBJECT: Justice court juror summons

COMMITTEE: Judicial Affairs — favorable, with amendment

VOTE: 6 ayes — Thompson, Hartnett, Alonzo, Duncan, Nixon, Solis
0 nays
3 absent — Goodman, Willis, Zbranek

WITNESSES: For — Bob Wessels, Harris County Justice Courts
Against — None
On — Sandy Prindle, Texas Justice of the Peace Association

DIGEST: HB 2098, as amended, would allow justices of the peace to order a sheriff or constable to summon a sufficient number of persons from which six qualified jurors could be found if the court has a pending trial or lacks a sufficient number of prospective jurors present. The authority would be granted in addition of other methods of jury selection provided by the Government Code. HB 2098 would apply to juries summoned after the effective date of the act, September 1, 1995.

SUPPORTERS SAY: Juries for justice court cases are drawn from the same jury pool as jurors for district and county court cases even though in many large counties the justice courts are widely scattered in various county precincts. Because the pool for the jurors is drawn from across the county, some jurors may have to commute from one end of the county to the other to get to the justice court. HB 2098 would give justice courts a way to draw a pool of jurors from the precinct where the justice court sits, rather than forcing prospective jurors to travel across the county.

Ideally, only prospective jurors in a justice court precinct would be summoned for jury duty in a justice court. But at present the jury pool gathered from driver's licenses cannot be divided by precincts. HB 2098 would give justice courts the ability to narrow the pool of jurors. The Code of Criminal Procedure already allows prospective jurors in criminal cases in justice courts to be drawn in the manner HB 2098 would allow.

HB 2098
House Research Organization
page 2

OPPONENTS
SAY:

HB 2098 is a step in the right direction, but would not completely solve the problem, which is that justice court jury pools are not drawn from the precincts in which they will be serving. Prospective jurors often must travel across the county and are only reimbursed \$6 a day for their troubles. What is needed is a complete overhaul of the jury pool system.

NOTES:

The committee amendment would change the phrase "proper officer" to "sheriff or constable."

A related bill, HB 1204 by Place, which passed the House on April 13 and has been referred to the Senate Criminal Justice Committee, would increase from \$20 to \$100 the fine for failure to respond to a jury summons.