

**SUBJECT:** Raising grand jury service exemption age from over 65 to over 70

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 6 ayes — Hinojosa, Dunnam, Garcia, Keel, Smith, Talton  
0 nays  
3 absent — Green, Nixon, Wise

**SENATE VOTE:** On final passage, March 4 — voice vote

**WITNESSES:** No public hearing

**BACKGROUND:** Code of Criminal Procedure, art. 19.25 requires a court to excuse from service on a grand jury any person summoned who does not possess the requisite qualifications. A court may excuse a person older than 65, as well as a student at a secondary school or higher education institution and a person responsible for the care of a child younger than 18.

**DIGEST:** SB 217 would amend the Code of Criminal Procedure to allow courts to excuse people over 70, rather than 65, from serving on a grand jury.  
  
This bill would take effect September 1, 1999.

**SUPPORTERS SAY:** SB 217 would add significantly to the pool of available jurors by raising the age of exemption for grand jury service. The age of exemption for other jury service is already older than 70. This bill would make the age of exemption uniform for all jury service.  
  
Being older than 65 no longer indicates old age or inability to participate in normal activities. Senior citizens are living longer, more productive lives and are willing and able to serve on juries if given the opportunity. Persons older than 65 are useful and knowledgeable citizens capable of participating in legal proceedings. Seniors who could not serve on a jury for health reasons still could claim the current hardship, which the courts have interpreted broadly to apply to both caretakers of disabled persons and to invalids.

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OPPONENTS  
SAY:

SB 217 could jeopardize the right of senior citizens younger than 71 to be exempted from jury duty because of health reasons. While many persons aged 66 to 70 are vibrant, energetic citizens and fully capable of serving on grand juries, many are not. It would be wrong to create a blanket requirement that these individuals serve, putting the onus on them to prove incapacity.