

SUBJECT: Raising the pay for jury service

COMMITTEE: Judiciary — favorable, without amendment

VOTE: 7 ayes — Hartnett, Hughes, Alonzo, Gonzales, Hopson, Solis, Van
Arsdale

0 nays

2 absent — Keel, Straus

SENATE VOTE: On final passage, May 16 — 29-1 (Staples)

WITNESSES: No public hearing

BACKGROUND: Under current law, jurors in civil and criminal cases are entitled to receive not less than \$6 and not more than \$50 for each day of jury service. Counties cover the expense of juror pay.

A person who is summoned for jury service but fails to appear is subject to a contempt action punishable by a fine between \$100 and \$1,000 in addition to any other criminal penalties authorized by law.

DIGEST: SB 1704 would require that jurors be paid a minimum of \$6 for the first day of juror service and a minimum of \$40 for each additional day. The state would reimburse a county \$34 per day after the first day for juror pay. A county would file a claim for reimbursement through the comptroller, and the comptroller would reimburse counties quarterly. If sufficient funds were not available to reimburse all counties, the comptroller would apportion the available funds among the counties applying for reimbursement and would pay the balance due to the counties when the funds became available or when the next quarterly payment to counties was required. These changes would take effect January 1, 2006.

The bill would require anyone convicted of any offense, other than one related to a pedestrian or a parking offense, to pay a \$4 fee in addition to all other court costs. The fee would be used to reimburse counties for juror pay. This court cost would apply to a defendant convicted of an offense

committed on or after September 1, 2005.

The bill would penalize the act of knowingly providing false information in a request to be exempted or excused from jury service. Such an act would be punishable by a contempt action punishable by a fine between \$100 and \$1,000 in addition to any other criminal penalties authorized by law.

The bill would allow a person to postpone jury service if the person had not been granted a postponement in that county during the previous year. The person would be required to arrange with the court clerk to determine a substitute date not later than six months after the date he or she originally was summoned. A person would be authorized to request a postponement if less than a year had passed since he or she had received a postponement only because of an extreme and unanticipated emergency. These changes would apply to a person summoned for jury service who was required to appear on or after September 1, 2005.

Except as otherwise noted, the bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

SB 1704 would fund a much needed pay increase for Texas jurors, who are the lowest paid in the nation. The current \$6 per day minimum pay often does not even cover the cost of parking near a courthouse. Juror pay in Texas has not been increased in more than 50 years, and the minimum is woefully insufficient to encourage people to fulfill their civic duty by performing jury service. People with lower incomes are disproportionately burdened by this low pay as they simply cannot afford to perform jury duty, often resulting in the inadequate representation of minorities on Texas juries. For example, in Dallas and Harris counties, Latinos make up 30 percent of the population but make up only 10 percent of juries. This situation could lead to constitutional challenges, which could potentially cost the state millions of dollars to defend.

The minimum pay of \$6 for the first day of jury duty would not dissuade low-income citizens from appearing for jury duty. El Paso County has increased the pay of its jurors but continues to pay only \$6 for the first day of service. Even so, the county has seen a dramatic increase in the percent of people, including low-income people and minorities, who appear for jury duty.

The \$4 court cost fee that would be required of people convicted of most offenses would fully fund the increased juror pay, resulting in no loss to

the state or to counties. It correctly would place the responsibility of financing the changes on the responsible party — the offenders. Because the fee would be only \$4, offenders would not be overly burdened in funding the system.

**OPPONENTS
SAY:**

The bill would allow counties to pay jurors only \$6 for their first day of jury service. This low pay may continue to dissuade people with low incomes from appearing for jury duty.

Court costs for people convicted of criminal offenses already are very high, and many people cannot afford to pay the costs. Felons in particular experience great difficulties in readjusting to society and should not be burdened by additional costs. Adding additional court costs disproportionately would affect persons with low incomes and minorities, who are convicted of crimes at much higher rates. Taxpayers should pay for the costs of increasing juror pay because society as a whole benefits from having fully representative juries.

NOTES:

In the fiscal note, the Legislative Budget Board estimates a cost of more than \$20 million to general revenue-related funds in fiscal 2006-07. Counties would experience a gain of approximately \$41 million through that biennium. According to the Comptroller's Office, the revenue from the court fee would be remitted to the comptroller for deposit in Judicial Fund 0573, and if the revenue were appropriated for reimbursement to the counties for jury pay, the net fiscal impact for the state and local governments would zero.