

**SUBJECT:** Exempting persons with a child younger than 15 years from jury service

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 6 ayes — Hunter, Alonzo, Branch, Madden, Martinez, Woolley  
1 nay — Hartnett  
4 absent — Hughes, Jackson, Leibowitz, Lewis

**WITNESSES:** For — Cassandra Phillips, Texas Home School Coalition; (*Registered, but did not testify*: Steve Spencer)  
Against — None

**BACKGROUND:** Government Code, sec. 62.106 exempts from jury service a person otherwise qualified to serve as a petit juror if the person has legal custody of a child younger than 10 years of age and would be unable to provide adequate supervision of the child if called to jury service.

**DIGEST:** HB 319 would exempt from jury service a person who had legal custody of a child younger than 15 years of age and could not provide adequate supervision of the child if called to serve.  
HB 319 would apply only to persons summoned to appear for jury service on or after the bill's September 1, 2009, effective date.

**SUPPORTERS SAY:** HB 319 would correct a discrepancy in the current law that allows a person with legal custody of a child to be charged with abandonment or endangerment of a child younger than 15 years of age but does not allow a person to claim an exemption from jury service unless the child was less than 10 years of age. For those with children between the ages of 10 and 15 years, balancing the time demands of jury service with the management of their child's care can be challenging, especially for single parents, parents with low household incomes and parents who teach their children at home. These parents should not have to risk charges of child abandonment simply for performing a civic duty.

While no one wants to reduce the number of eligible jurors, HB 319 would apply only to those truly unable to secure adequate supervision of their children if called to jury service. In terms of social costs and benefits, any potential small decrease in the jury pool as a result of this bill would be far outweighed by the alleviation of the heavy burden of parents who struggle to find the time to care for their children and serve as jurors.

**OPPONENTS  
SAY:**

HB 319 would further reduce an already dwindling pool of eligible jurors and increase courts' procedural burdens related to the jury selection process. The selection process can be time-consuming, and if a court cannot empanel a jury, it must begin the process anew. This results in unnecessary delays and wastes judicial resources. Rather than creating new exemptions from an essential civic duty, policymakers should be finding ways to increase jury service.