

- SUBJECT:** Post-trial psychological counseling for jurors in criminal trials
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 10 ayes — Gallego, Christian, Fletcher, Hodge, Kent, Miklos, Moody, Pierson, Riddle, Vo
- 0 nays
- 1 absent — Vaught
- WITNESSES:** For — Ana Amici, Criminal District Court Judges; (*Registered, but did not testify*: Cindy Segovia, Bexar County Commissioners Court)
- Against — None
- BACKGROUND:** Under Code of Criminal Procedure, art. 56.04(f), a county commissioners court may offer 10 hours or less of post-trial psychological counseling to jurors or alternate jurors in certain criminal trials involving graphic evidence or testimony, if the juror requests the counseling within 180 days of the jury being dismissed. The counseling for jurors is limited to trials for the offenses of murder, capital murder, indecency with a child, sexual assault, aggravated sexual assault, compelling prostitution, sexual performance by a child, and employment harmful to children.
- DIGEST:** HB 608 would amend Code of Criminal Procedure, art. 56.04(f) by allowing a commissioners court to offer 10 hours or less of post-trial psychological counseling to jurors or alternate jurors in any criminal trial involving graphic evidence or testimony, if the juror requests the counseling within 180 days of the jury being dismissed.
- A juvenile board also could offer up to 10 hours of post-trial psychological counseling to jurors and alternate jurors in juvenile adjudication hearings involving graphic evidence or testimony, if the juror requested the counseling within 180 days of the jury being dismissed.
- HB 608 would take effect September 1, 2009, and would apply to criminal trials and juvenile adjudications for which a jury is selected on or after that date.

**SUPPORTERS
SAY:**

HB 608 would acknowledge that graphic evidence and testimony occur in juvenile adjudications and criminal trials other than those for which counseling is currently available. Jurors may be exposed to graphic evidence or testimony in a wide range of criminal cases, and this experience often can be traumatic. The bill would provide more jurors the opportunity for counseling if traumatized while performing their civic duty as jurors.

HB 608 would not require counties to provide counseling, as it would be permissive, not mandatory. It simply would grant counties and juvenile boards more flexibility to offer post-trial psychological counseling in any case in which it might be appropriate and justified.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, SB 1066 by Wentworth, was reported favorably, without amendment, by the Senate Jurisprudence Committee on March 30 and was recommended for the Senate Local and Uncontested Calendar.