

BILL ANALYSIS

Senate Research Center

H.B. 1684
By: Clark (Duncan)
Criminal Justice
5-16-97
Engrossed

DIGEST

Currently, the Code of Criminal Procedure requires all 12 members of a jury to be present and vote unanimously in a criminal case. Alternate jurors customarily are excused just before the trial judge reads the charge to the jury. Under Article 36.29(c) of the Code of Criminal Procedure, if a juror becomes sick after the judge reads the charge to the jury, the judge must discharge the jury and declare a mistrial. H.B. 1684 would allow the 11 remaining jurors to render a verdict and assess punishment on the agreement of the defendant and the attorney representing the state. It would also require that each of the 11 jurors sign the verdict.

PURPOSE

As proposed, H.B. 1684 establishes provisions regarding circumstances in which less than the whole number of a jury may render a verdict in a criminal case.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 36.29(c), Code of Criminal Procedure, to require a jury to be discharged if, after the charge of the court is read to the jury, any one of them becomes sick or any accident occurs to prevent their being kept together, except that on agreement on the record by the defendant and the attorney representing the state, 11 members of a jury may render a verdict and, if punishment is to be assessed by the jury, assess punishment. Requires each member of the jury to sign the verdict if a verdict is rendered by less than the whole number of the jury.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.