

BILL ANALYSIS

Senate Research Center

S.B. 1523
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Criminal Justice
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DIGEST

Currently, there are two ways that judges may select grand jurors. One method, known as the "key man" system, provides for the judge to appoint jury commissioners who, in turn, select the pool of prospective grand jurors. The second method employs the random "jury wheel" system commonly used for the selection of petit jury panels. The "key man" method of selecting grand juries allows jury commissioners to decide who they would like to be on the grand jury panel and is therefore susceptible to abuse by the commissioners. In addition, grand juries selected by the "key man" system do not always reflect a representative sample of the community at large. The "jury wheel" system provides a better sampling of citizens from a variety of backgrounds and ensures a fair and impartial grand jury is impaneled. This bill will eliminate the "key man" system of selecting grand juries, relying solely on the "jury wheel" system.

PURPOSE

As proposed, S.B. 1523 changes the regulations governing the manner in which grand jurors are selected.

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 Chapter 19, Code of Criminal Procedure, as follows:

CHAPTER 19. ORGANIZATION OF THE GRAND JURY

Art. 19.01. New heading: GRAND JURY POOL. Requires the district judge to direct that 20 to 75 prospective grand jurors be selected and summoned in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts under Chapter 62A, Government Code. Deletes existing text regarding appointment of jury commissioners, selection without jury commission. Deletes existing Articles 19.02- 19.06, regarding notification of appointment, oath of jury commissioners, instruction of jury commissioners, freedom of jury commissioners from intrusion, and selection of grand jury.

Art. 19.32. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND JURORS SHALL SIT. Redesignated from existing Article 19.07. Makes conforming changes.

Art. 19.11. QUALIFICATIONS. Redesignated from existing Article 19.08. Deletes existing Articles 19.09-19.12, regarding the selection of grand jurors, delivery of the names of grand jurors to the clerk, administration of an oath to grand jurors, and the administration of an oath to a deputy clerk. Makes a conforming change.

Art. 19.02. New heading: CLERK SHALL DELIVER LIST. Redesignated from existing Article 19.13. Requires the clerk to make out a copy of the names of the grand jury panel selected under Article 19.01 as prospective grand jurors. Makes conforming and nonsubstantive changes.

Art. 19.03. SUMMONING. Redesignated from existing Article 19.14. Makes conforming and nonsubstantive changes.

Art. 19.04. RETURN OF OFFICER. Redesignated from existing Article 19.15. Requires the officer executing the summons to return the list on or before the day on which the grand jury is to be impaneled. Makes conforming changes.

Art. 19.05. New heading: ABSENT PROSPECTIVE JUROR FINED. Redesignated from existing Article 19.16. Makes conforming changes.

Art. 19.06. FAILURE TO SELECT. Redesignated from existing Article 19.17. Authorizes a district judge, if certain conditions are met, to direct that a panel be selected and summoned as provided by Article 19.01. Deletes existing text regarding summoning of a grand jury commission. Makes a conforming change.

Art. 19.07. IF LESS THAN TWELVE ATTEND. Redesignated from existing Article 19.18. Requires the court, if certain conditions are met, to order that such additional number of persons as may be deemed necessary to constitute a grand jury of 12 persons be selected and summoned, rather than additional persons being summoned by the sheriff.

Art. 19.08. New heading: JURORS TO ATTEND FORTHWITH. Redesignated from existing Article 19.19. Requires the prospective jurors to be summoned in person to attend before the court forthwith; unless the judge, at his election, directs the sheriff to summon the prospective grand jurors by registered or certified mail. Makes a conforming change.

Articles 19.09-19.31. Redesignated from existing Articles 19.20-19.41.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.