

BILL ANALYSIS

Senate Research Center
78R7561 GWK-D

S.B. 1011
By: West
Jurisprudence
3/28/2003
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 1011 provides that the attorney representing the state and the attorney representing the defendant are entitled to conduct a meaningful voir dire examination.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 35.17, Code of Criminal Procedure, by adding Section 3 to provide that the attorney representing the state and the attorney representing the defendant are entitled to conduct a meaningful voir dire examination. Provides that a question asked during the voir dire examination is proper if the question attempts to discover the views of a prospective juror on an issue that is applicable to the case. Provides that a question asked during the voir dire examination is not proper if the question attempts to commit a prospective juror to reaching a verdict based on particular facts. Provides that a judge abuses the judge's discretion if the judge precludes questioning relevant to any issue that the attorney representing the state or the attorney representing the defendant in good faith expects will arise in the case. Provides that good faith on the part of an attorney under this section is presumed. Provides that a judge may order the attorney to make an ex parte showing of the propriety of a question. Requires the court reporter to record the showing made by the attorney and requires the showing to be sealed pending appellate action on the matter.

SECTION 2. Effective date: September 1, 2003.