

BILL ANALYSIS

Senate Research Center

S.B. 1298
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a district judge directs that 20 to 125 prospective grand jurors be selected and summoned for cases in the district court. In some smaller counties, judges have expressed interest in having a larger pool of potential grand jurors from which to select.

S.B. 1298 amends the Code of Criminal Procedure to increase the cap on the number of prospective jurors that a district judge can select and summon from 125 to 250.

S.B. 1298 states that if a district judge directs that prospective jurors be selected and summoned on or after the effective date of the bill, then the judge shall comply with the new range. If prospective jurors are directed to be selected and summoned before the effective date, then the current range applies. (Original Author's / Sponsor's Statement of Intent)

S.B. 1298 amends current law relating to the selection and summons of prospective grand jurors.

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 19.01, Code of Criminal Procedure, to require the district judge to direct that the number of prospective grand jurors, rather than 20 to 125 prospective grand jurors, the judge considers necessary to ensure an adequate number of jurors under Article 19.26 (Jury Impaneled) be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts.

SECTION 2. Amends Article 19.08, Code of Criminal Procedure, as follows:

Art. 19.08. QUALIFICATIONS. Authorizes a person to be selected or serve as a grand juror only if the person:

- (1) is at least eighteen years of age;
- (2) is a citizen of the United States;
- (3) is a resident of this state, and of the county in which the person is to serve;
- (4) is qualified under the Constitution and laws to vote in the county in which the grand jury is sitting, regardless of whether the person is registered to vote;
- (5) is of sound mind and good moral character;
- (6) is able to read and write;
- (7) has not been convicted of misdemeanor theft or a felony;

(8) is not under indictment or other legal accusation for misdemeanor theft or a felony;

(9) is not related within the third degree of consanguinity or second degree of affinity, as determined under Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code, to any person selected to serve or serving on the same grand jury;

(10) has not served as grand juror in the year before the date on which the term of court for which the person has been selected as grand juror begins; and

(11) is not a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected as a grand juror.

Deletes existing text requiring that no person be selected or serve as a grand juror who does not possess the following qualifications: requiring that the person be a citizen of the state, and of the county in which the person is to serve, and be qualified under the Constitution and laws to vote in said county, provided that the person's failure to register to vote is required not be held to disqualify the person in this instance; requiring the person to be of sound mind and good moral character; requiring the person to be able to read and write; prohibiting the person from having been convicted of misdemeanor theft or a felony; prohibiting the person from being under indictment or other legal accusation for misdemeanor theft or a felony; prohibiting the person from being related within the third degree of consanguinity or second degree of affinity, as determined under Chapter 573, Government Code, to any person selected to serve or serving on the same grand jury; prohibiting the person from having served as grand juror in the year before the date on which the term of court for which the person has been selected as grand juror begins; and prohibiting the person from being a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected as a grand juror.

SECTION 3. Makes application of this Act perspective.

SECTION 4. Effective date: September 1, 2017.