

By: Smith

H.B. No. 469

A BILL TO BE ENTITLED

AN ACT

relating to the sequestration of a jury in a criminal case.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 35.23, Code of Criminal Procedure, is amended to read as follows:

Art. 35.23. JURORS MAY SEPARATE. (a) The court may adjourn veniremen to any day of the term. When jurors have been sworn in a felony case, the court may, at its discretion, permit the jurors to separate until the court has given its charge to the jury.

(b) The court on its own motion may ~~[and on the motion of either party shall]~~, after having given its charge to the jury, order that the jury not be allowed to separate, after which the jury shall be kept together ~~[, and not permitted to separate except to the extent of housing female jurors separate and apart from male jurors,]~~ until a verdict has been rendered or the jury finally discharged.

(c) The court, on the motion of either party requesting that the jury not be allowed to separate after the court has given its charge to the jury, shall hold a hearing to determine whether good cause exists to order that the jury not be allowed to separate. On a finding of good cause, the court shall enter an order described by Subsection (b). A motion by a party requesting that the jury not be allowed to separate must be filed not less than 10 days before the date jury selection begins unless the requesting party shows good

1 cause exists for filing the motion after that period.

2       (d) Any person who makes known to the jury which party made  
3 the motion not to allow separation of the jury shall be punished for  
4 contempt of court.

5       (e) If [~~such~~] jurors ordered not to separate are kept  
6 overnight, facilities shall be provided for female jurors separate  
7 and apart from the facilities provided for male jurors.

8       (f) In misdemeanor cases the court may, at its discretion,  
9 permit the jurors to separate at any time before the verdict.

10       (g) In any case in which the jury is permitted to separate,  
11 the court shall first give the jurors proper instructions with  
12 regard to their conduct as jurors when so separated.

13       SECTION 2. The change in law made by this Act applies only  
14 to a criminal proceeding that commences on or after the effective  
15 date of this Act. A criminal proceeding that commences before the  
16 effective date of this Act is governed by the law in effect on the  
17 date the proceeding commenced, and the former law is continued in  
18 effect for that purpose.

19       SECTION 3. This Act takes effect September 1, 2023.