

By: Hayes

H.B. No. 4671

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications and summoning of grand jurors.

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

SECTION 1. Article 19A.052, Code of Criminal Procedure, is amended to read as follows:

Art. 19A.052. QUALIFIED PERSONS SUMMONED. On directing the sheriff or clerk of the district court to summon grand jurors, the court shall instruct the sheriff or clerk of the district court to not summon a person to serve as a grand juror who does not possess the qualifications prescribed by law.

SECTION 2. Article 19A.053, Code of Criminal Procedure, is amended to read as follows:

Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED. (a) If fewer than 16 persons summoned to serve as grand jurors are found to be in attendance and qualified to serve, the court shall order the sheriff or clerk of the district court to summon an additional number of persons considered necessary to constitute a grand jury of 12 grand jurors and four alternate grand jurors.

(b) The sheriff or clerk of the district court shall summon the additional prospective grand jurors under Subsection (a) in person to attend before the court immediately.

SECTION 3. Article 19A.101, Code of Criminal Procedure, is amended to read as follows:

Art. 19A.101. GRAND JUROR QUALIFICATIONS. (a) A person may

1 be selected or serve as a grand juror only if the person:

2 (1) is at least 18 years of age;

3 (2) is a citizen of the United States;

4 (3) is a resident of this state and of the county in
5 which the person is to serve;

6 (4) is qualified under the constitution and other laws
7 to vote in the county in which the grand jury is sitting, regardless
8 of whether the person is registered to vote;

9 (5) is of sound mind and good moral character;

10 (6) is able to read and write;

11 (7) has never [~~not~~] been convicted of misdemeanor
12 theft or a felony;

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

15 (9) is not related within the third degree by
16 consanguinity or second degree by affinity, as determined under
17 Chapter 573, Government Code, to any person selected to serve or
18 serving on the same grand jury;

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

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

25 (b) On the third business day of each month, the clerk of the
26 district court shall prepare a list of persons who in the preceding
27 month were disqualified from serving as a grand juror based on the

1 person's citizenship or indictment or conviction for misdemeanor
2 theft or a felony and send a copy of the list to:

3 (1) the secretary of state; and

4 (2) the prosecuting attorney for the court to which
5 the grand jurors were summoned for investigation into whether any
6 person made a false claim concerning the person's qualification
7 under Subsection (a)(2), (7), or (8).

8 SECTION 4. This Act applies only to the summoning of grand
9 jurors on or after the effective date of this Act. The summoning of
10 grand jurors before the effective date of this Act is governed by
11 the law in effect immediately before the effective date of this Act,
12 and the former law is continued in effect for that purpose.

13 SECTION 5. This Act takes effect September 1, 2023.