

## **BILL ANALYSIS**

C.S.H.B. 1252  
By: Hope  
Judicial Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

C.S.H.B. 1252 clarifies certain procedures regarding a court or the court's designee hearing juror excuses or claims of exemption or a lack of qualification.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1252 amends the Code of Criminal Procedure to provide that except under certain circumstances, the court shall hear and determine excuses offered for not serving as a juror, including any claim of an exemption or lack of qualification. If the court considers the excuse sufficient, the court shall discharge the prospective juror or postpone his or her service, as appropriate.

The bill amends the Code of Criminal Procedure to provide that in counties that have a plan approved by the commissioners court in the same manner as a plan is approved for jury selection under Section 62.011, Government Code, the court's designee may hear and determine an excuse offered for not serving as a juror, including any claim of an exemption or lack of qualification. The court's designee shall discharge the prospective juror or postpone his or her service, as appropriate if the excuse is considered sufficient and the juror submits to the court's designee a statement of the ground of the exemption or lack of qualification or other excuse. Such a juror statement may be made in person, in writing, by telephone, or by electronic or other appropriate means of communication.

The bill also amends the Government Code to provide that a court shall hear any reasonable sworn excuse of a prospective juror, including any claim of an exemption or lack of qualification, and if the excuse is considered sufficient shall release the prospective juror or postpone his or her service, as appropriate.

The bill amends the Government Code to provide that in counties that have a plan approved by the commissioners court in the same manner as a plan is approved for jury selection under Section 62.011, Government Code, the court's designee may hear and determine an excuse offered for not serving as a juror, including any claim of an exemption or lack of qualification. The court's designee shall discharge the prospective juror or postpone his or her service, as appropriate if the excuse is considered sufficient and the juror submits to the court's designee a statement of the ground of the exemption or lack of qualification or other excuse. Such a juror statement may be made in person, in writing, by telephone, or by electronic or other appropriate means of communication.

### **EFFECTIVE DATE**

September 1, 2003.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original required a “signed statement” in two sections of the bill. The substitute deletes the word “signed.”

The substitute also provides that the required juror statement may be made in person, in writing, by telephone, or by electronic or other appropriate means of communication.