

BILL ANALYSIS

C.S.H.B. 2923
By: Marchant
Judicial Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The right to a jury trial is often cited as one of our most fundamental rights. Despite this belief, many persons avoid jury service at every opportunity. C.S.H.B. 2923 is designed to encourage jury service by lessening the burden of jury service on citizens.

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. 2923 amends the Government Code to provide that a person summoned for jury duty who knowingly provides false information in a request for an exemption or to be excused from jury service is subject to a contempt action punishable by a fine of not less than \$100 nor more than \$1,000, in addition to any criminal penalty prescribed by law.

The bill also provides that a person summoned for jury service may request a postponement of the person's initial appearance for jury service. The person may request the postponement by contacting the clerk of the court in person, in writing, or by telephone before the date on which the person is summoned to appear. On receipt of a request, the clerk of the court shall grant the person a postponement if the person has not been granted a postponement in that county during the one-year period preceding the date on which the person is summoned to appear and the person and the clerk determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was originally summoned to appear. A person who receives a postponement may request a subsequent postponement. The clerk of the court may approve the subsequent postponement only because of an extreme emergency that could not have been anticipated, such as a death in the person's family, sudden serious illness suffered by the person, or a natural disaster or national emergency in which the person is personally involved. Before the clerk may grant the subsequent postponement, the person and the clerk must determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was to appear after the postponement.

The bill also provides that a person is not required to appear for jury service for more than one day unless the person is selected to serve on a particular jury or is being considered to serve on a particular jury. Once selected, a juror shall serve on the jury until the jury renders a verdict, unless excused by the court.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute deletes Sections 1, 4-12, and 14 of the original, and makes conforming changes. The substitute also deletes the provision for a criminal penalty for failure to answer a jury summons in Section

2 of the original, and removes the provisions for additional reimbursement of petit jurors from Section 3 of the original.