

BILL ANALYSIS

H.J.R. 44
By: Hughes
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, both the Texas Code of Criminal Procedure and the Texas Constitution require that all cases tried in a district court have a jury comprised of twelve jurors, regardless of the class of the alleged offense. Class A or B misdemeanors requiring trial are tried in front of a six-person jury. However, district courts that routinely and extensively try Class A and B misdemeanor cases are still required to use twelve-member juries, where only six-member juries are needed in other courts for the same cases.

H.J.R. 44 proposes a constitutional amendment to permit a six-person jury in a district court misdemeanor trial.

RULEMAKING AUTHORITY

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

ANALYSIS

H.J.R. 44 amends Section 13, Article V of the Texas Constitution to requires a six-person jury in a criminal case below the grade of felony.

FOR ELECTION

The amendment shall be proposed to the voters at an election on November 4, 2003. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to permit a six-person jury in a district court misdemeanor trial."