

BILL ANALYSIS

S.B. 802
By: Janek
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, an impaneled grand jury consists of twelve qualified grand jurors and two qualified alternates. Alternate grand jurors may be used as permanent replacements upon the legal disqualification of one of the original grand jurors, but may not be used to replace those grand jurors who are unavailable due to other circumstances, such as illness or infirmity. Because a grand jury requires a quorum of nine of the original twelve members to conduct business, the unavailability of one or more grand jurors can make it impossible to carry out the duties of the grand jury, thereby causing delays in the administration of justice and increasing costs to local jurisdictions holding defendants in jail who are unable to make bail pending the resolution of their cases.

Senate Bill 802 allows the use of alternate grand jurors when a grand juror becomes unavailable due to the death or then-existing physical or mental illness or infirmity of the juror.

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

Senate Bill 802 amends the Code of Criminal Procedure to allow the use of alternate grand jurors when a grand juror becomes unavailable due to the death or then-existing physical or mental illness or infirmity of the juror.

EFFECTIVE DATE

September 1, 2003.