

BILL ANALYSIS

C.S.S.B. 1011
By: West
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not specifically permit attorneys, during a voir dire examination, to ask questions to elicit information necessary for both attorneys to intelligently exercise challenges for cause and for peremptory challenges. C.S.S.B. 1011 adds this provision to the Code of Criminal Procedure.

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.S.B. 1011 amends the Code of Criminal Procedure to provide that the attorney representing the state and the attorney representing the defendant are entitled to conduct a meaningful voir dire examination. Questions designed to elicit information necessary for both attorneys to intelligently exercise challenges for cause and for peremptory challenges shall be permitted. By way of illustration only, a question asked during the voir dire examination is proper if the question attempts to discover the views of a prospective juror on an issue that is applicable to the case. A question is not proper if it attempts to commit a prospective juror to reaching a verdict.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the engrossed bill by specifying that questions designed to elicit information necessary for both attorneys to intelligently exercise challenges for cause and for peremptory challenges shall be permitted. The substitute also removes the engrossed bill language which allowed a judge, on proper objection, to restrict counsel from engaging in questioning that is overly broad or vague.