

By: Dunnam

H.B. No. 1673

A BILL TO BE ENTITLED

AN ACT

relating to the questioning of prospective jurors during voir dire examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 35.17, Code of Criminal Procedure, is amended by adding Section 3 to read as follows:

3. The attorney representing the state and the attorney representing the defendant are entitled to conduct a meaningful voir dire examination. 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 asked during the voir dire examination is not proper if the question attempts to commit a prospective juror to reaching a verdict based on particular facts. A judge abuses the judge's discretion if the judge precludes questioning relevant to any issue that the attorney representing the state or the attorney representing the defendant in good faith expects will arise in the case. Good faith on the part of an attorney under this section is presumed. A judge may order the attorney to make an ex parte showing of the propriety of a question. The court reporter shall record the showing made by the attorney and the showing must be sealed pending appellate action on the matter.

SECTION 2. This Act takes effect September 1, 2003.