

By: Hughes, Pena

H.J.R. No. 44

A JOINT RESOLUTION

1 proposing a constitutional amendment to permit a six-person jury in  
2 a district court misdemeanor trial.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 13, Article V, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 13. Grand and petit juries in the District Courts shall  
7 be composed of twelve persons, except that petit juries in a  
8 criminal case below the grade of felony shall be composed of six  
9 persons; but nine members of a grand jury shall be a quorum to  
10 transact business and present bills. In trials of civil cases [~~and~~  
11 ~~in trials of criminal cases below the grade of felony~~] in the  
12 District Courts, nine members of the jury, concurring, may render a  
13 verdict, but when the verdict shall be rendered by less than the  
14 whole number, it shall be signed by every member of the jury  
15 concurring in it. When, pending the trial of any case, one or more  
16 jurors not exceeding three, may die, or be disabled from sitting,  
17 the remainder of the jury shall have the power to render the  
18 verdict; provided, that the Legislature may change or modify the  
19 rule authorizing less than the whole number of the jury to render a  
20 verdict.

21 SECTION 2. The proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 4, 2003.  
23 The ballot shall be printed to permit voting for or against the  
24 proposition: "The constitutional amendment to permit a six-person

1 jury in a district court misdemeanor trial."