

1-1 By: Hughes, Pena (Senate Sponsor - Ratliff) H.J.R. No. 44
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Criminal
1-4 Justice; May 24, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 24, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.J.R. No. 44 By: Hinojosa

1-8 HOUSE JOINT RESOLUTION

1-9 proposing a constitutional amendment to permit a six-person jury in
1-10 a district court misdemeanor trial.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 13, Article V, Texas Constitution, is
1-13 amended to read as follows:

1-14 Sec. 13. Grand and petit juries in the District Courts shall
1-15 be composed of twelve persons, except that petit juries in a
1-16 criminal case below the grade of felony shall be composed of six
1-17 persons; but nine members of a grand jury shall be a quorum to
1-18 transact business and present bills. In trials of civil cases [~~and~~
1-19 ~~in trials of criminal cases below the grade of felony~~] in the
1-20 District Courts, nine members of the jury, concurring, may render a
1-21 verdict, but when the verdict shall be rendered by less than the
1-22 whole number, it shall be signed by every member of the jury
1-23 concurring in it. When, pending the trial of any case, one or more
1-24 jurors not exceeding three, may die, or be disabled from sitting,
1-25 the remainder of the jury shall have the power to render the
1-26 verdict; provided, that the Legislature may change or modify the
1-27 rule authorizing less than the whole number of the jury to render a
1-28 verdict.

1-29 SECTION 2. The proposed constitutional amendment shall be
1-30 submitted to the voters at an election to be held September 13,
1-31 2003. The ballot shall be printed to permit voting for or against
1-32 the proposition: "The constitutional amendment to permit a
1-33 six-person jury in a district court misdemeanor trial."

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