1-1 By: S.B. No. 518 Duncan (In the Senate - Filed February 17, 2003; February 19, 2003, first time and referred to Committee on Jurisprudence; 1-2 1-3 read 1-4 March 17, 2003, reported adversely, with favorable Committee 1-5 Substitute by the following vote: Yeas 6, Nays 0; March 17, 2003, 1-6 sent to printer.) COMMITTEE SUBSTITUTE FOR S.B. No. 518 1 - 7By: Duncan 1-8 A BILL TO BE ENTITLED 1-9 AN ACT 1-10 relating to the qualifications for service as a grand or petit juror 1-11 and challenges for cause. 1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 1-13 SECTION 1. Article 19.08, Code of Criminal Procedure, is 1**-**14 1**-**15 amended to read as follows: Art. 19.08. QUALIFICATIONS. No person shall be selected or as a grand juror who does not possess the following 1-16 juror who does not possess the following serve qualifications: 1-17 The person [He] must be a citizen of the state, and 1-18 1. of the county in which the person [he] is to serve, and be qualified under the Constitution and laws to vote in said county, provided 1-19 1-20 1-21 that the person's [his] failure to register to vote shall not be held to disqualify the person [him] in this instance; 1-22 1-23 The person [He] must be of sound mind and good moral 2. 1-24 1-25 character; 3. The person [He] must be able to read and write; The person [He] must not have been convicted of 1-26 4. <u>misdemeanor</u> theft or <u>a</u> [of any] felony; 5. <u>The person</u> [He] must not be under indictment or 1-27 1-28 other legal accusation for <u>misdemeanor</u> theft or <u>a</u> [of any] felony; 6. <u>The person</u> [He] must not be related within the third degree of consanguinity or second degree of affinity, as determined 1-29 1-30 1-31 1-32 under Chapter 573, Government Code, to any person selected to serve or serving on the same grand jury; 1-33 7. <u>The person</u> [He] must not have served as grand juror or jury commissioner in the year before the date on which the term 1-34 1-35 of court for which the person [he] has been selected as grand juror 1-36 1-37 begins; 8. The person [He] must not be a complainant in any matter to be heard by the grand jury during the term of court for which the person [he] has been selected as a grand juror. 1-38 1-39 1-40 SECTION 2. Subsection (a), Article 35.16, Code of Criminal 1-41 1-42 Procedure, is amended to read as follows: (a) A challenge for cause is an objection made to a particular juror, alleging some fact which renders <u>the juror</u> [him] 1-43 1-44 incapable or unfit to serve on the jury. A challenge for cause may 1-45 be made by either the state or the defense for any one of the 1-46 1-47 following reasons: 1. That <u>the juror</u> [he] is not a qualified voter in the state and county under the Constitution and laws of the state; provided, however, the failure to register to vote shall not be a 1-48 1-49 1-50 1-51 disqualification; 1-52 <u>jur</u>or 2. That the [he] has been convicted of <u>misdemeanor</u> theft or <u>a [any]</u> felony; 3. That <u>the juror</u> [he] is under indictment or other legal accusation for <u>misdemeanor</u> theft or <u>a</u> [any] felony; 1-53 1-54 1-55 That the juror [he] is insane; That the juror [he] has such defect in the organs of 1-56 4. 1-57 5. feeling or hearing, or such bodily or mental defect or disease as to render the juror [him] unfit for jury service, or that the juror [he] is legally blind and the court in its discretion is not satisfied that the juror [he] is fit for jury service in that 1-58 1-59 1-60 1-61 1-62 particular case; 1-63 6. That the juror [he] is a witness in the case;

1

C.S.S.B. No. 518

That the juror [he] served on the grand jury which 7. found the indictment;

2-3 8. That the juror [he] served on a petit jury in a 2-4 former trial of the same case; 2-5

9. That the juror [he] has a bias or prejudice in favor of or against the defendant;

10. That from hearsay, or otherwise, there is established in the mind of the juror such a conclusion as to the guilt or innocence of the defendant as would influence the juror [him in his action] in finding a verdict. To ascertain whether this cause of challenge exists, the juror shall first be asked whether, in the juror's [his] opinion, the conclusion so established will influence the juror's [his] verdict. If the juror [he] answers in the affirmative, the juror [he] shall be discharged without further interrogation by either party or the court. If the juror [he] answers in the negative, the juror [he] shall be further examined as to how the juror's [his] conclusion was formed, and the extent to which it will affect the juror's [his] action; and, if it appears to have been formed from reading newspaper accounts, communications, statements or reports or mere rumor or hearsay, and if the juror states that the juror [he] feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the such evidence, the court, if satisfied that the juror [he] is impartial and will render such verdict, may, in its discretion, admit the juror [him] as competent to serve in such case. If the court, in its discretion, is not satisfied that the juror [he] is impartial, the juror shall be discharged;

11. That the juror [he] cannot read or write.

No juror shall be impaneled when it appears that the juror [he] is subject to the second, third or fourth grounds of challenge for cause set forth above, although both parties may consent. All other grounds for challenge may be waived by the party or parties in whose favor such grounds of challenge exist.

In this subsection "legally blind" shall mean having not more than 20/200 of visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Section 62.102, Government Code, is amended to SECTION 3. read as follows:

GENERAL QUALIFICATIONS FOR JURY SERVICE. Sec. 62.102. А person is disqualified to serve as a petit juror unless the person [he]:

(1)is at least 18 years of age;

(2) is a citizen of this state and of the county in which the person [he] is to serve as a juror;

(3) is qualified under the constitution and laws to 2-47 2-48 vote in the county in which the person [he] is to serve as a juror; 2-49

(4) is of sound mind and good moral character;

(5)is able to read and write;

2-51 has not served as a petit juror for six days during (6) the preceding three months in the county court or during the 2-52 2-53 preceding six months in the district court;

2-54 (7)has not been convicted of misdemeanor theft or a 2-55 felony; and 2-56

(8)is not under indictment or other legal accusation for [of] misdemeanor [or felony] theft or <u>a</u> [any other] felony.

2-58 SECTION 4. The changes in law made by this Act apply only to qualifications for jury service for a person required to appear for 2-59 jury service by a summons made on or after September 1, 2003. The qualifications of a person required to appear for jury service 2-60 2-61 2-62 before September 1, 2003, are covered by the law in effect on the 2-63 date the summons is made, and the former law is continued in effect 2-64 for that purpose.

2-66

2-65

2-1

2-2

2-6

2-7

2-8

2-9 2-10

2-11 2-12

2-13 2-14 2**-**15 2**-**16 2-17

2-18

2-19

2-20 2-21

2-22

2-23 2-24 2**-**25 2**-**26

2-27

2-28

2-29 2-30 2-31

2-32 2-33

2-34 2-35

2-36 2-37

2-38

2-39

2-40

2-41

2-42 2-43

2-44

2-45

2-46

2-50

2-57

SECTION 5. This Act takes effect September 1, 2003.

* * * * *