

AN ACT

relating to the use of alternate grand jurors.

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

SECTION 1. Subsection (b), Article 19.26, Code of Criminal Procedure, is amended to read as follows:

(b) The grand jury is composed of not more than twelve qualified jurors. In addition, the court shall qualify and impanel not more than two alternates to serve on disqualification or unavailability of a juror during the term of the grand jury. On learning that a grand juror has become disqualified or unavailable during the term of the grand jury, the attorney representing the state shall prepare an order for the court identifying the disqualified or unavailable juror, stating the basis for the disqualification or unavailability, dismissing the disqualified or unavailable juror from the grand jury, and naming one of the alternates as a member of the grand jury. The procedure established by this subsection may be used on disqualification or unavailability of a second grand juror during the term of the grand jury. For purposes of this subsection, a juror is unavailable if the juror is unable to participate fully in the duties of the grand jury because of the death of the juror or a physical or mental illness of the juror.

SECTION 2. This Act applies only to a grand jury impaneled on or after September 1, 2003.

1 SECTION 3. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 802 passed the Senate on April 3, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 802 passed the House on May 28, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor