

1-1 By: Janek S.B. No. 802
1-2 (In the Senate - Filed March 3, 2003; March 10, 2003, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 March 24, 2003, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 24, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of alternate grand jurors.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (b), Article 19.26, Code of Criminal
1-11 Procedure, is amended to read as follows:

1-12 (b) The grand jury is composed of not more than twelve
1-13 qualified jurors. In addition, the court shall qualify and impanel
1-14 not more than two alternates to serve on disqualification or
1-15 unavailability of a juror during the term of the grand jury. On
1-16 learning that a grand juror has become disqualified or unavailable
1-17 during the term of the grand jury, the attorney representing the
1-18 state shall prepare an order for the court identifying the
1-19 disqualified or unavailable juror, stating the basis for the
1-20 disqualification or unavailability, dismissing the disqualified or
1-21 unavailable juror from the grand jury, and naming one of the
1-22 alternates as a member of the grand jury. The procedure established
1-23 by this subsection may be used on disqualification or
1-24 unavailability of a second grand juror during the term of the grand
1-25 jury. For purposes of this subsection, a juror is unavailable if
1-26 the juror is unable to participate fully in the duties of the grand
1-27 jury because of the death of the juror or a physical or mental
1-28 illness of the juror.

1-29 SECTION 2. This Act applies only to a grand jury impaneled
1-30 on or after September 1, 2003.

1-31 SECTION 3. This Act takes effect September 1, 2003.

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