

BILL ANALYSIS

C.S.H.B. 75
By: Hope
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

H.B. 75 clarifies certain procedures regarding a court or the court's designee hearing juror excuses or claims of exemption or a lack of qualification

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 75 amends the Code of Criminal Procedure to provide that except under certain circumstances, the court shall hear and determine excuses offered for not serving as a juror, including any claim of an exemption or lack of qualification. If the court considers the excuse sufficient, the court may discharge the prospective juror or postpone his or her service, as appropriate.

The bill amends the Code of Criminal Procedure to provide that in counties that have a plan approved by the commissioners court in the same manner as a plan is approved for jury selection under Section 62.011, Government Code, the court's designee may hear and determine an excuse offered for not serving as a juror, including any claim of an exemption or lack of qualification. The court's designee may discharge the prospective juror or postpone his or her service, as appropriate if the excuse is considered sufficient and the juror submits to the court's designee a statement of the ground of the exemption or lack of qualification or other excuse.

The bill also amends the Government Code to provide that a court shall hear any reasonable sworn excuse of a prospective juror, including any claim of an exemption or lack of qualification, and if the excuse is considered sufficient may release the prospective juror or postpone his or her service, as appropriate.

The bill amends the Government Code to provide that in counties that have a plan approved by the commissioners court in the same manner as a plan is approved for jury selection under Section 62.011, Government Code, the court's designee may hear and determine an excuse offered for not serving as a juror, including any claim of an exemption or lack of qualification. The court's designee may discharge the prospective juror or postpone his or her service, as appropriate if the excuse is considered sufficient and the juror submits to the court's designee a statement of the ground of the exemption or lack of qualification or other excuse.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends the original bill by removing subsections relating to the permitted means of juror statements from two sections of the bill. The substitute also changes "shall" to "may" on line 19 of page 1, inserts the word "may" on line 13 of page 2 and removes the word "shall" on line 16, page 2.