

## **BILL ANALYSIS**

Senate Research Center

S.B. 1704  
By: Ellis  
Jurisprudence  
4/23/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, minorities are underrepresented on Texas juries. Latinos, for example, comprise approximately 30 percent of the population of Dallas and Harris counties, but comprise only about 10 percent of the jury venires. This puts many Texas jurisdictions in danger of constitutional challenges for violation of the Sixth Amendment of the United States Constitution, which states that jury venires must reflect representative cross-sections of the community.

The primary reason cited for these disparities is that, at \$6 a day for jury service, Texas pays jurors the lowest rate in the country. This makes it difficult for minority and low-income workers to participate in the jury process. Texas also contributes no state funds to jury pay.

Many states require that jurors be paid \$50 a day. Thirty-six states require that individuals be paid at least \$20 a day. Twenty-three states, including California and New York, contribute 100 percent of the funds for jury pay.

As proposed, S.B. 1704 requires jurors to be paid a minimum of \$40 per day, and adds provisions regarding failure to answer a jury summons and postponement of jury service.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 61.001(a), Government Code, to entitle each grand juror or petit juror in a civil or criminal case in certain courts to receive as reimbursement for travel and other expenses an amount not less than \$40, rather than not less than \$6 nor more than \$50, for each day or fraction of a day served as a juror.

SECTION 2. Amends Section 62.0141, Government Code, to provide that a person who knowingly provides false information in a request for an exemption or to be excused from jury service is subject to a contempt action punishable by a fine.

SECTION 3. Amends Subchapter A, Chapter 62, Government Code, by adding Section 62.0142, as follows:

Sec. 62.0142. POSTPONEMENT OF JURY SERVICE. (a) Authorizes a person summoned for jury service to request a postponement of the person's initial appearance for jury service. Authorizes the person to request the postponement by certain methods before the date on which the person is summoned to appear.

(b) Requires the clerk of the court, upon receipt of a request for postponement, to grant the postponement if the person has not been granted a postponement in that county during the one-year period preceding the date on which the person is summoned to appear and the person and the clerk determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was originally summoned to appear.

(c) Authorizes a person who receives a postponement under Subsection (b) to request a subsequent postponement in the manner described by Subsection (a). Authorizes the clerk of the court to approve the subsequent postponement only because of an extreme emergency that could not have been anticipated. Requires the person and the clerk, before the clerk may grant the subsequent postponement, to determine a substitute date on which the person will appear for jury service that is not later than six months after the date on which the person was to appear after the postponement under Subsection (b).

SECTION 5. [sic] Effective date: September 1, 2005.