

By: Hope

H.B. No. 75

A BILL TO BE ENTITLED

AN ACT

relating to the selection of a jury in criminal and civil cases.

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

SECTION 1. Sections 1 and 2, Article 35.03, Code of Criminal Procedure, are amended to read as follows:

Sec. 1. Except as provided by Sections 2 and 3 of this article, the court shall then hear and determine excuses offered for not serving as a juror, including any claim of an exemption or a lack of qualification, and if the court considers [~~deems~~] the excuse sufficient, the court shall discharge the prospective juror or postpone the prospective juror's service to a date specified by the court, as appropriate.

Sec. 2. (a) Under a plan approved by the commissioners court of the county in the same manner as a plan is approved for jury selection under Section 62.011, Government Code, in a case other than a capital felony case, the court's designee may hear and determine an excuse offered for not serving as a juror, including any claim of an exemption or a lack of qualification. The court's designee shall discharge the prospective juror or postpone the prospective juror's service to a date specified by the court's designee, as appropriate, [and] if:

(1) the court's designee considers [~~deems~~] the excuse sufficient; and

(2) the juror submits to the court's designee a

1 statement of the ground of the exemption or lack of qualification or
2 other excuse~~[, he may postpone the juror's service to a date~~
3 ~~specified by the court's designee].~~

4 (b) A juror statement under this section may be made in
5 person, in writing, by telephone, or by electronic or other
6 appropriate means of communication.

7 SECTION 2. Section 62.110, Government Code, is amended by
8 amending Subsections (a) and (b) and adding Subsection (d) to read
9 as follows:

10 (a) Except as provided by this section, a court shall ~~[may]~~
11 hear any reasonable sworn excuse of a prospective juror, including
12 any claim of an exemption or a lack of qualification, and if the
13 excuse is considered sufficient shall release him from jury service
14 entirely or until another day of the term, as appropriate.

15 (b) Pursuant to a plan approved by the commissioners court
16 of the county in the same manner as a plan is approved for jury
17 selection under Section 62.011, the court's designee:

18 (1) may hear any reasonable excuse of a prospective
19 juror, including any claim of an exemption or a lack of
20 qualification; and

21 (2) shall discharge the juror or release him from jury
22 service until a specified day of the term, as appropriate, if:

23 (A) the excuse is considered sufficient; and

24 (B) the juror submits to the court's designee a
25 statement of the ground of the exemption or lack of qualification or
26 other excuse.

27 (d) A juror statement under this section may be made in

1 person, in writing, by telephone, or by electronic or other
2 appropriate means of communication.

3 SECTION 3. This Act applies only to persons summoned to
4 appear for jury service on or after the effective date of this Act.

5 SECTION 4. This Act takes effect September 1, 2005.