

1-1 By: Hope (Senate Sponsor - Duncan) H.B. No. 75
1-2 (In the Senate - Received from the House April 4, 2005;
1-3 April 6, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 19, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 19, 2005, sent to printer.)

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

1-8 relating to the selection of a jury in criminal and civil cases.

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

1-10 SECTION 1. Sections 1 and 2, Article 35.03, Code of Criminal
1-11 Procedure, are amended to read as follows:

1-12 Sec. 1. Except as provided by Sections 2 and 3 of this
1-13 article, the court shall then hear and determine excuses offered
1-14 for not serving as a juror, including any claim of an exemption or a
1-15 lack of qualification, and if the court considers [~~deems~~] the
1-16 excuse sufficient, the court shall discharge the prospective juror
1-17 or postpone the prospective juror's service to a date specified by
1-18 the court, as appropriate.

1-19 Sec. 2. Under a plan approved by the commissioners court of
1-20 the county in the same manner as a plan is approved for jury
1-21 selection under Section 62.011, Government Code, in a case other
1-22 than a capital felony case, the court's designee may hear and
1-23 determine an excuse offered for not serving as a juror, including
1-24 any claim of an exemption or a lack of qualification. The court's
1-25 designee may discharge the prospective juror or postpone the
1-26 prospective juror's service to a date specified by the court's
1-27 designee, as appropriate, [~~and~~] if:

1-28 (1) the court's designee considers [~~deems~~] the excuse
1-29 sufficient; and

1-30 (2) the juror submits to the court's designee a
1-31 statement of the ground of the exemption or lack of qualification or
1-32 other excuse[, he may postpone the juror's service to a date
1-33 specified by the court's designee].

1-34 SECTION 2. Sections 62.110(a) and (b), Government Code, are
1-35 amended to read as follows:

1-36 (a) Except as provided by this section, a court may hear any
1-37 reasonable sworn excuse of a prospective juror, including any claim
1-38 of an exemption or a lack of qualification, and if the excuse is
1-39 considered sufficient shall release him from jury service entirely
1-40 or until another day of the term, as appropriate.

1-41 (b) Pursuant to a plan approved by the commissioners court
1-42 of the county in the same manner as a plan is approved for jury
1-43 selection under Section 62.011, the court's designee may:

1-44 (1) hear any reasonable excuse of a prospective juror,
1-45 including any claim of an exemption or a lack of qualification; and

1-46 (2) discharge the juror or release him from jury
1-47 service until a specified day of the term, as appropriate, if:

1-48 (A) the excuse is considered sufficient; and

1-49 (B) the juror submits to the court's designee a
1-50 statement of the ground of the exemption or lack of qualification or
1-51 other excuse.

1-52 SECTION 3. This Act applies only to persons summoned to
1-53 appear for jury service on or after the effective date of this Act.

1-54 SECTION 4. This Act takes effect September 1, 2005.

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