

By: Chisum

H.B. No. 2082

A BILL TO BE ENTITLED

AN ACT

relating to the responsibilities of certain county officials for selection of a jury source.

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

SECTION 1. Subchapter B, Chapter 81, Local Government Code, is amended by adding Section 81.025 to read as follows:

Sec. 81.025. JURY SOURCE REPORT BY COUNTY AUDITOR. The commissioners court may require the county auditor to prepare a report, as provided by Subchapter C, Chapter 84, estimating the expense to the county associated with the selection and service of jurors.

SECTION 2. Chapter 84, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. JURY SOURCE REPORT

Sec. 84.051. JURY SOURCE REPORT BY COUNTY AUDITOR. (a) The commissioners court of a county by resolution may require the county auditor to prepare a report regarding:

(1) the estimated county expenses associated with obtaining or maintaining each of the jury sources for use in reconstituting the county's jury wheel as provided by Section 62.001, Government Code; and

(2) other relevant considerations associated with reconstituting the jury wheel by using the jury sources provided by Section 62.001, Government Code.

1 (b) A resolution requiring the preparation of a jury source
2 report under this section must state the reasons the commissioners
3 court considers the report to be necessary.

4 (c) A reason stated in a jury source report resolution may
5 be a statement that the commissioners court considers the report
6 necessary to:

7 (1) determine a jury source that will fairly serve the
8 residents of the county; or

9 (2) provide a jury source that will economically serve
10 the county.

11 (d) Subject to Section 84.052, the commissioners court may
12 adopt a jury source report resolution at any regular or called
13 session of the commissioners court.

14 Sec. 84.052. NOTICE. (a) The commissioners court shall
15 publish a jury source report resolution once in a newspaper of
16 general circulation published in the county.

17 (b) If there is not any newspaper of general circulation
18 published in the county, the court shall post notice of the
19 resolution at the courthouse door and two other public places in the
20 county for at least the 10 days preceding the date the resolution is
21 adopted.

22 Sec. 84.053. JURY SOURCE REPORT BY ACCOUNTANT. (a) The
23 commissioners court of a county that does not have a county auditor
24 may employ an independent certified public accountant to prepare a
25 jury source report under this subchapter.

26 (b) An independent certified public accountant employed
27 under Subsection (a) has the powers and duties assigned by this

1 subchapter to a county auditor.

2 Sec. 84.054. REPORT DEADLINE. The county auditor shall
3 deliver a jury source report not later than the 60th day after the
4 date a resolution requiring the report is adopted by the
5 commissioners court.

6 Sec. 84.055. INFORMATION FURNISHED BY OFFICERS. The county
7 auditor may require a public official who receives funds from the
8 county to provide any information necessary to properly prepare a
9 jury source report.

10 Sec. 84.056. PENALTY FOR FAILURE TO FURNISH COUNTY AUDITOR
11 WITH INFORMATION; REMOVAL. (a) A person commits an offense if the
12 person:

13 (1) is required under this subchapter to provide
14 information to the county auditor; and

15 (2) refuses to comply with a reasonable request of the
16 county auditor relating to the information.

17 (b) An offense under this section is a misdemeanor
18 punishable by:

19 (1) a fine of not less than \$25 or more than \$500;

20 (2) removal from office; or

21 (3) both a fine and removal from office.

22 Sec. 84.057. JURY SOURCE REPORT FILED WITH COUNTY CLERK;
23 PUBLIC INSPECTION. (a) The county auditor shall file a copy of a
24 jury source report with the county clerk.

25 (b) The jury source report is public information.

26 SECTION 3. Section 62.001, Government Code, is amended by
27 amending Subsections (a) and (b) and adding Subsection (1) to read

1 as follows:

2 (a) Except as provided by Subsection (1), the ~~[The]~~ jury
3 wheel must be reconstituted by using, as the source:

4 (1) the names of all persons on the current voter
5 registration lists from all the precincts in the county; and

6 (2) all names on a current list to be furnished by the
7 Department of Public Safety, showing the citizens of the county
8 who:

9 (A) hold a valid Texas driver's license or a
10 valid personal identification card or certificate issued by the
11 department; and

12 (B) are not disqualified from jury service under
13 Section 62.102(1), (2), or (7).

14 (b) Notwithstanding Subsections ~~[Subsection]~~ (a) and (1),
15 the names of persons listed on a register of persons exempt from
16 jury service may not be placed in the jury wheel, as provided by
17 Sections 62.108 and 62.109.

18 (1) On approval of the commissioners court of a county that
19 has prepared a jury source report in accordance with Subchapter C,
20 Chapter 84, Local Government Code, a jury wheel may be
21 reconstituted by using, as the only source, the names of all persons
22 on the current voter registration lists from all precincts in the
23 county.

24 SECTION 4. The changes in the law made by this Act relating
25 to jury service apply only to persons summoned to appear for jury
26 service after a jury wheel has been constituted for the county under
27 Chapter 62, Government Code, as amended by this Act. A jury wheel

1 constituted before the effective date of this Act may be used until
2 the jury wheel has been reconstituted under Chapter 62, Government
3 Code, as amended by this Act.

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