

By: Keffer of Eastland

H.B. No. 2414

A BILL TO BE ENTITLED

AN ACT

relating to jury service in certain counties.

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

SECTION 1. Section 62.004(a), Government Code, is amended to read as follows:

(a) The county clerk and the sheriff of the county shall draw the names of the prospective jurors for a county court from the jury wheel in the presence and under the direction of the county judge. The district clerk and the sheriff or any constable of the county shall draw the names of the prospective jurors for a justice court, county court at law, or [a] district court from the jury wheel in the presence and under the direction of the district judge.

SECTION 2. Subchapter A, Chapter 62, Government Code, is amended by adding Section 62.0175 to read as follows:

Sec. 62.0175. INTERCHANGEABLE JURORS IN COUNTIES WITH A SINGLE DISTRICT COURT AND A SINGLE COUNTY COURT AT LAW WITH CONCURRENT JURISDICTION. (a) In a county with only one district court and only one county court at law that has concurrent jurisdiction with the district court in any matter, the judges of the two courts may meet at a time set by them and determine the approximate number of prospective jurors that are reasonably necessary for each week of the year for a general panel of jurors for service in both courts. The judges shall act together to carry out the provisions of this section.

1 (b) The judges may order that the number of names of
2 prospective jurors that they determine is reasonably necessary for
3 each week's general panel be drawn from the jury wheel. They may
4 order the drawing of names of prospective jurors for as many weeks
5 in advance as they consider proper and may increase or decrease the
6 number of names drawn for any week.

7 (c) A general panel shall report to the district judge for
8 jury service, and the district judge shall organize, control, and
9 supervise the members of the general panel.

10 (d) The sheriff shall notify the persons whose names are
11 drawn from the jury wheel to appear before the district judge for
12 jury service. The judge shall hear the excuses of the prospective
13 jurors and swear them in for jury service for the week for which
14 they are to serve as jurors.

15 (e) When impaneled, the prospective jurors constitute a
16 general panel for service as jurors in both courts and shall be used
17 interchangeably in those courts. With the approval of both judges,
18 prospective jurors impaneled under this section may constitute a
19 general panel for service as jurors in the justice courts, the
20 county court, and all other county courts at law in the county, in
21 addition to service as jurors in the district court and the county
22 court at law that has concurrent jurisdiction. In that event, the
23 general panel shall be used interchangeably in the district court,
24 county court, county courts at law, and justice courts.

25 (f) In the event of a deficiency of jurors to satisfy the
26 jury requirements of any of the courts, the district judge shall
27 order sufficient additional names drawn to meet the emergency. The

1 names of additional jurors for the general panel must be drawn from
2 the jury wheel except as provided by Section 62.011. The additional
3 jurors act only as special jurors and shall be discharged as soon as
4 their services are no longer required.

5 (g) If it becomes necessary to reduce the number of persons
6 on the general panel for the week of its selection because of a lack
7 of work in a court or for other cause, the district judge shall
8 cause the clerk to draw from the general panel the number of names
9 that the judge determines is required for the week. The prospective
10 jurors whose names are drawn shall continue to serve on the general
11 panel for the remainder of the week, and the others are excused.

12 (h) Except as modified by this section and Section 62.011,
13 the law governing jury wheels applies in the counties that use
14 general panels interchangeably in their courts.

15 (i) This section does not apply to a selection of jurors in a
16 capital case or a mental health commitment.

17 SECTION 3. Section 62.302, Government Code, is amended to
18 read as follows:

19 Sec. 62.302. DRAWING NAMES FOR JURY SERVICE IN CERTAIN
20 COUNTY COURTS. (a) The county judge or a judge of a county court at
21 law [~~in a county with at least two county courts at law~~] may order
22 the drawing of names from the jury wheel if the judge considers the
23 number of prospective jurors already drawn to be insufficient or if
24 an interchangeable general jury panel is not drawn as provided by
25 Section [Sections] 62.016, [and] 62.017, or 62.0175.

26 (b) The prospective jurors whose names are drawn as provided
27 by this section are available for service in the county court or

1 ~~[and]~~ county courts at law, as applicable, and for the period of
2 time reasonably required for the trials in the applicable kind of
3 court ~~[those courts]~~.

4 (c) The county judge and a judge of a county court at law
5 concurrently have the same power to determine and remedy a
6 deficiency in the number of prospective jurors as the district
7 judge designated to control a general jury panel as provided by
8 Section 62.016, 62.017, or 62.0175 ~~[62.016(f)]~~. Except as
9 otherwise provided by this section, the applicable general
10 provisions in Subchapter A that govern the drawing of names of
11 prospective jurors by the district judge govern the drawing of
12 names under this section.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2005.