

1-1 By: Keffer of Eastland (Senate Sponsor - Fraser) H.B. No. 2414
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 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 jury service in certain counties.

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

1-10 SECTION 1. Section 62.004(a), Government Code, is amended
1-11 to read as follows:

1-12 (a) The county clerk and the sheriff of the county shall
1-13 draw the names of the prospective jurors for a county court from the
1-14 jury wheel in the presence and under the direction of the county
1-15 judge. The district clerk and the sheriff or any constable of the
1-16 county shall draw the names of the prospective jurors for a justice
1-17 court, county court at law, or [a] district court from the jury
1-18 wheel in the presence and under the direction of the district judge.

1-19 SECTION 2. Subchapter A, Chapter 62, Government Code, is
1-20 amended by adding Section 62.0175 to read as follows:

1-21 Sec. 62.0175. INTERCHANGEABLE JURORS IN COUNTIES WITH A
1-22 SINGLE DISTRICT COURT AND A SINGLE COUNTY COURT AT LAW WITH
1-23 CONCURRENT JURISDICTION. (a) In a county with only one district
1-24 court and only one county court at law that has concurrent
1-25 jurisdiction with the district court in any matter, the judges of
1-26 the two courts may meet at a time set by them and determine the
1-27 approximate number of prospective jurors that are reasonably
1-28 necessary for each week of the year for a general panel of jurors
1-29 for service in both courts. The judges shall act together to carry
1-30 out the provisions of this section.

1-31 (b) The judges may order that the number of names of
1-32 prospective jurors that they determine is reasonably necessary for
1-33 each week's general panel be drawn from the jury wheel. They may
1-34 order the drawing of names of prospective jurors for as many weeks
1-35 in advance as they consider proper and may increase or decrease the
1-36 number of names drawn for any week.

1-37 (c) A general panel shall report to the district judge for
1-38 jury service, and the district judge shall organize, control, and
1-39 supervise the members of the general panel.

1-40 (d) The sheriff shall notify the persons whose names are
1-41 drawn from the jury wheel to appear before the district judge for
1-42 jury service. The judge shall hear the excuses of the prospective
1-43 jurors and swear them in for jury service for the week for which
1-44 they are to serve as jurors.

1-45 (e) When impaneled, the prospective jurors constitute a
1-46 general panel for service as jurors in both courts and shall be used
1-47 interchangeably in those courts. With the approval of both judges,
1-48 prospective jurors impaneled under this section may constitute a
1-49 general panel for service as jurors in the justice courts, the
1-50 county court, and all other county courts at law in the county, in
1-51 addition to service as jurors in the district court and the county
1-52 court at law that has concurrent jurisdiction. In that event, the
1-53 general panel shall be used interchangeably in the district court,
1-54 county court, county courts at law, and justice courts.

1-55 (f) In the event of a deficiency of jurors to satisfy the
1-56 jury requirements of any of the courts, the district judge shall
1-57 order sufficient additional names drawn to meet the emergency. The
1-58 names of additional jurors for the general panel must be drawn from
1-59 the jury wheel except as provided by Section 62.011. The additional
1-60 jurors act only as special jurors and shall be discharged as soon as
1-61 their services are no longer required.

1-62 (g) If it becomes necessary to reduce the number of persons
1-63 on the general panel for the week of its selection because of a lack
1-64 of work in a court or for other cause, the district judge shall

2-1 cause the clerk to draw from the general panel the number of names
2-2 that the judge determines is required for the week. The prospective
2-3 jurors whose names are drawn shall continue to serve on the general
2-4 panel for the remainder of the week, and the others are excused.

2-5 (h) Except as modified by this section and Section 62.011,
2-6 the law governing jury wheels applies in the counties that use
2-7 general panels interchangeably in their courts.

2-8 (i) This section does not apply to a selection of jurors in a
2-9 capital case or a mental health commitment.

2-10 SECTION 3. Section 62.302, Government Code, is amended to
2-11 read as follows:

2-12 Sec. 62.302. DRAWING NAMES FOR JURY SERVICE IN CERTAIN
2-13 COUNTY COURTS. (a) The county judge or a judge of a county court
2-14 at law [~~in a county with at least two county courts at law~~] may order
2-15 the drawing of names from the jury wheel if the judge considers the
2-16 number of prospective jurors already drawn to be insufficient or if
2-17 an interchangeable general jury panel is not drawn as provided by
2-18 Section [~~Sections~~] 62.016, [~~and~~] 62.017, or 62.0175.

2-19 (b) The prospective jurors whose names are drawn as provided
2-20 by this section are available for service in the county court or
2-21 [~~and~~] county courts at law, as applicable, and for the period of
2-22 time reasonably required for the trials in the applicable kind of
2-23 court [~~those courts~~].

2-24 (c) The county judge and a judge of a county court at law
2-25 concurrently have the same power to determine and remedy a
2-26 deficiency in the number of prospective jurors as the district
2-27 judge designated to control a general jury panel as provided by
2-28 Section 62.016, 62.017, or 62.0175 [~~62.016(f)~~]. Except as
2-29 otherwise provided by this section, the applicable general
2-30 provisions in Subchapter A that govern the drawing of names of
2-31 prospective jurors by the district judge govern the drawing of
2-32 names under this section.

2-33 SECTION 4. This Act takes effect immediately if it receives
2-34 a vote of two-thirds of all the members elected to each house, as
2-35 provided by Section 39, Article III, Texas Constitution. If this
2-36 Act does not receive the vote necessary for immediate effect, this
2-37 Act takes effect September 1, 2005.

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