

By: Hughes

H.B. No. 3416

A BILL TO BE ENTITLED

AN ACT

relating to the discharge of an alternate juror in a criminal case.

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

SECTION 1. Article 33.011(b), Code of Criminal Procedure, is amended to read as follows:

(b) Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury renders a verdict on the guilt or innocence of the defendant and, if applicable, the amount of punishment [~~retires to consider its verdict~~], become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn and selected in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, security, and privileges as regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury has rendered a verdict on the guilt or innocence of the defendant and, if applicable, the amount of punishment [~~the jury retires to consider its verdict~~].

SECTION 2. Article 36.29(d), Code of Criminal Procedure, is amended to read as follows:

(d) After the jury has rendered a verdict on the guilt or innocence of the defendant and, if applicable, the amount of punishment [~~the charge of the court is read to the jury~~], the court

1 shall discharge an alternate juror who has not replaced a juror.

2 SECTION 3. The change in law made by this Act applies only
3 to a trial commenced on or after the effective date of this Act. A
4 trial commenced before the effective date of this Act is covered by
5 the law in effect when the trial was commenced, and the former law
6 is continued in effect for that purpose.

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