

AN ACT

relating to the qualifications for service as a grand or petit juror and challenges for cause.

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

SECTION 1. Article 19.06, Code of Criminal Procedure, is amended to read as follows:

Art. 19.06. SHALL SELECT GRAND JURORS. The jury commissioners shall select not less than 15 nor more than 40 persons from the citizens of the county to be summoned as grand jurors for the next term of court, or the term of court for which said commissioners were selected to serve, as directed in the order of the court selecting the commissioners. The commissioners shall, to the extent possible, select grand jurors who the commissioners determine represent a broad cross-section of the population of the county, considering the factors of race, sex, and age. A commissioner is not qualified to be selected for or to serve as a grand juror during the term of court for which the commissioner is serving as a commissioner.

SECTION 2. Article 19.08, Code of Criminal Procedure, is amended to read as follows:

Art. 19.08. QUALIFICATIONS. No person shall be selected or serve as a grand juror who does not possess the following qualifications:

1. The person [~~He~~] must be a citizen of the state, and

1 of the county in which the person [~~he~~] is to serve, and be qualified
2 under the Constitution and laws to vote in said county, provided
3 that the person's [~~his~~] failure to register to vote shall not be
4 held to disqualify the person [~~him~~] in this instance;

5 2. The person [~~He~~] must be of sound mind and good moral
6 character;

7 3. The person [~~He~~] must be able to read and write;

8 4. The person [~~He~~] must not have been convicted of
9 misdemeanor theft or a [~~of any~~] felony;

10 5. The person [~~He~~] must not be under indictment or
11 other legal accusation for misdemeanor theft or a [~~of any~~] felony;

12 6. The person [~~He~~] must not be related within the third
13 degree of consanguinity or second degree of affinity, as determined
14 under Chapter 573, Government Code, to any person selected to serve
15 or serving on the same grand jury;

16 7. The person [~~He~~] must not have served as grand juror
17 or jury commissioner in the year before the date on which the term
18 of court for which the person [~~he~~] has been selected as grand juror
19 begins;

20 8. The person [~~He~~] must not be a complainant in any
21 matter to be heard by the grand jury during the term of court for
22 which the person [~~he~~] has been selected as a grand juror.

23 SECTION 3. Subsection (a), Article 35.16, Code of Criminal
24 Procedure, is amended to read as follows:

25 (a) A challenge for cause is an objection made to a
26 particular juror, alleging some fact which renders the juror [~~him~~]
27 incapable or unfit to serve on the jury. A challenge for cause may

1 be made by either the state or the defense for any one of the
2 following reasons:

3 1. That the juror [~~he~~] is not a qualified voter in the
4 state and county under the Constitution and laws of the state;
5 provided, however, the failure to register to vote shall not be a
6 disqualification;

7 2. That the juror [~~he~~] has been convicted of
8 misdemeanor theft or a [~~any~~] felony;

9 3. That the juror [~~he~~] is under indictment or other
10 legal accusation for misdemeanor theft or a [~~any~~] felony;

11 4. That the juror [~~he~~] is insane;

12 5. That the juror [~~he~~] has such defect in the organs of
13 feeling or hearing, or such bodily or mental defect or disease as to
14 render the juror [~~him~~] unfit for jury service, or that the juror
15 [~~he~~] is legally blind and the court in its discretion is not
16 satisfied that the juror [~~he~~] is fit for jury service in that
17 particular case;

18 6. That the juror [~~he~~] is a witness in the case;

19 7. That the juror [~~he~~] served on the grand jury which
20 found the indictment;

21 8. That the juror [~~he~~] served on a petit jury in a
22 former trial of the same case;

23 9. That the juror [~~he~~] has a bias or prejudice in favor
24 of or against the defendant;

25 10. That from hearsay, or otherwise, there is
26 established in the mind of the juror such a conclusion as to the
27 guilt or innocence of the defendant as would influence the juror

1 ~~[him in his action]~~ in finding a verdict. To ascertain whether this
2 cause of challenge exists, the juror shall first be asked whether,
3 in the juror's ~~[his]~~ opinion, the conclusion so established will
4 influence the juror's ~~[his]~~ verdict. If the juror ~~[he]~~ answers in
5 the affirmative, the juror ~~[he]~~ shall be discharged without further
6 interrogation by either party or the court. If the juror ~~[he]~~
7 answers in the negative, the juror ~~[he]~~ shall be further examined as
8 to how the juror's ~~[his]~~ conclusion was formed, and the extent to
9 which it will affect the juror's ~~[his]~~ action; and, if it appears to
10 have been formed from reading newspaper accounts, communications,
11 statements or reports or mere rumor or hearsay, and if the juror
12 states that the juror ~~[he]~~ feels able, notwithstanding such
13 opinion, to render an impartial verdict upon the law and the
14 evidence, the court, if satisfied that the juror ~~[he]~~ is impartial
15 and will render such verdict, may, in its discretion, admit the
16 juror ~~[him]~~ as competent to serve in such case. If the court, in its
17 discretion, is not satisfied that the juror ~~[he]~~ is impartial, the
18 juror shall be discharged;

19 11. That the juror ~~[he]~~ cannot read or write.

20 No juror shall be impaneled when it appears that the juror
21 ~~[he]~~ is subject to the second, third or fourth grounds of challenge
22 for cause set forth above, although both parties may consent. All
23 other grounds for challenge may be waived by the party or parties in
24 whose favor such grounds of challenge exist.

25 In this subsection "legally blind" shall mean having not more
26 than 20/200 of visual acuity in the better eye with correcting
27 lenses, or visual acuity greater than 20/200 but with a limitation

1 in the field of vision such that the widest diameter of the visual
2 field subtends an angle no greater than 20 degrees.

3 SECTION 4. Section 62.102, Government Code, is amended to
4 read as follows:

5 Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. A
6 person is disqualified to serve as a petit juror unless the person
7 ~~[he]~~:

8 (1) is at least 18 years of age;

9 (2) is a citizen of this state and of the county in
10 which the person ~~[he]~~ is to serve as a juror;

11 (3) is qualified under the constitution and laws to
12 vote in the county in which the person ~~[he]~~ is to serve as a juror;

13 (4) is of sound mind and good moral character;

14 (5) is able to read and write;

15 (6) has not served as a petit juror for six days during
16 the preceding three months in the county court or during the
17 preceding six months in the district court;

18 (7) has not been convicted of misdemeanor theft or a
19 felony; and

20 (8) is not under indictment or other legal accusation
21 for ~~[of]~~ misdemeanor ~~[or felony]~~ theft or a ~~[any other]~~ felony.

22 SECTION 5. The changes in law made by this Act apply only to
23 qualifications for jury service for a person required to appear for
24 jury service by a summons made on or after September 1, 2005. The
25 qualifications of a person required to appear for jury service
26 before September 1, 2005, are covered by the law in effect on the
27 date the summons is made, and the former law is continued in effect

1 for that purpose.

2 SECTION 6. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 451 passed the Senate on March 31, 2005, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 451 passed the House, with amendment, on May 25, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor