

By: Wentworth

S.B. No. 451

A BILL TO BE ENTITLED

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

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

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

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

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

6. The person [~~He~~] must not be related within the third degree of consanguinity or second degree of affinity, as determined under Chapter 573, Government Code, to any person selected to serve

1 or serving on the same grand jury;

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

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

9 SECTION 2. Subsection (a), Article 35.16, Code of Criminal  
10 Procedure, is amended to read as follows:

11 (a) A challenge for cause is an objection made to a  
12 particular juror, alleging some fact which renders the juror [~~him~~]  
13 incapable or unfit to serve on the jury. A challenge for cause may  
14 be made by either the state or the defense for any one of the  
15 following reasons:

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

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

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

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

25 5. That the juror [~~he~~] has such defect in the organs of  
26 feeling or hearing, or such bodily or mental defect or disease as to  
27 render the juror [~~him~~] unfit for jury service, or that the juror

1 [he] is legally blind and the court in its discretion is not  
2 satisfied that the juror [he] is fit for jury service in that  
3 particular case;

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

5 7. That the juror [he] served on the grand jury which  
6 found the indictment;

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

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

11 10. That from hearsay, or otherwise, there is  
12 established in the mind of the juror such a conclusion as to the  
13 guilt or innocence of the defendant as would influence the juror  
14 [~~him in his action~~] in finding a verdict. To ascertain whether this  
15 cause of challenge exists, the juror shall first be asked whether,  
16 in the juror's [~~his~~] opinion, the conclusion so established will  
17 influence the juror's [~~his~~] verdict. If the juror [he] answers in  
18 the affirmative, the juror [he] shall be discharged without further  
19 interrogation by either party or the court. If the juror [he]  
20 answers in the negative, the juror [he] shall be further examined as  
21 to how the juror's [~~his~~] conclusion was formed, and the extent to  
22 which it will affect the juror's [~~his~~] action; and, if it appears to  
23 have been formed from reading newspaper accounts, communications,  
24 statements or reports or mere rumor or hearsay, and if the juror  
25 states that the juror [he] feels able, notwithstanding such  
26 opinion, to render an impartial verdict upon the law and the  
27 evidence, the court, if satisfied that the juror [he] is impartial

1 and will render such verdict, may, in its discretion, admit the  
2 juror [~~him~~] as competent to serve in such case. If the court, in its  
3 discretion, is not satisfied that the juror [~~he~~] is impartial, the  
4 juror shall be discharged;

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

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

11 In this subsection "legally blind" shall mean having not more  
12 than 20/200 of visual acuity in the better eye with correcting  
13 lenses, or visual acuity greater than 20/200 but with a limitation  
14 in the field of vision such that the widest diameter of the visual  
15 field subtends an angle no greater than 20 degrees.

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

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

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

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

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

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

27 (5) is able to read and write;

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

4           (7) has not been convicted of misdemeanor theft or a  
5 felony; and

6           (8) is not under indictment or other legal accusation  
7 for ~~of~~ misdemeanor ~~or felony~~ theft or a ~~any other~~ felony.

8           SECTION 4. The changes in law made by this Act apply only to  
9 qualifications for jury service for a person required to appear for  
10 jury service by a summons made on or after September 1, 2005. The  
11 qualifications of a person required to appear for jury service  
12 before September 1, 2005, are covered by the law in effect on the  
13 date the summons is made, and the former law is continued in effect  
14 for that purpose.

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