

1-1 By: Wentworth S.B. No. 451  
1-2 (In the Senate - Filed February 10, 2005; February 22, 2005,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 14, 2005, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; March 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the qualifications for service as a grand or petit juror  
1-9 and challenges for cause.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 19.08, Code of Criminal Procedure, is  
1-12 amended to read as follows:

1-13 Art. 19.08. QUALIFICATIONS. No person shall be selected or  
1-14 serve as a grand juror who does not possess the following  
1-15 qualifications:

1-16 1. The person [~~He~~] must be a citizen of the state, and  
1-17 of the county in which the person [~~he~~] is to serve, and be qualified  
1-18 under the Constitution and laws to vote in said county, provided  
1-19 that the person's [~~his~~] failure to register to vote shall not be  
1-20 held to disqualify the person [~~him~~] in this instance;

1-21 2. The person [~~He~~] must be of sound mind and good moral  
1-22 character;

1-23 3. The person [~~He~~] must be able to read and write;

1-24 4. The person [~~He~~] must not have been convicted of  
1-25 misdemeanor theft or a [~~of any~~] felony;

1-26 5. The person [~~He~~] must not be under indictment or  
1-27 other legal accusation for misdemeanor theft or a [~~of any~~] felony;

1-28 6. The person [~~He~~] must not be related within the third  
1-29 degree of consanguinity or second degree of affinity, as determined  
1-30 under Chapter 573, Government Code, to any person selected to serve  
1-31 or serving on the same grand jury;

1-32 7. The person [~~He~~] must not have served as grand juror  
1-33 or jury commissioner in the year before the date on which the term  
1-34 of court for which the person [~~he~~] has been selected as grand juror  
1-35 begins;

1-36 8. The person [~~He~~] must not be a complainant in any  
1-37 matter to be heard by the grand jury during the term of court for  
1-38 which the person [~~he~~] has been selected as a grand juror.

1-39 SECTION 2. Subsection (a), Article 35.16, Code of Criminal  
1-40 Procedure, is amended to read as follows:

1-41 (a) A challenge for cause is an objection made to a  
1-42 particular juror, alleging some fact which renders the juror [~~him~~]  
1-43 incapable or unfit to serve on the jury. A challenge for cause may  
1-44 be made by either the state or the defense for any one of the  
1-45 following reasons:

1-46 1. That the juror [~~he~~] is not a qualified voter in the  
1-47 state and county under the Constitution and laws of the state;  
1-48 provided, however, the failure to register to vote shall not be a  
1-49 disqualification;

1-50 2. That the juror [~~he~~] has been convicted of  
1-51 misdemeanor theft or a [~~any~~] felony;

1-52 3. That the juror [~~he~~] is under indictment or other  
1-53 legal accusation for misdemeanor theft or a [~~any~~] felony;

1-54 4. That the juror [~~he~~] is insane;

1-55 5. That the juror [~~he~~] has such defect in the organs of  
1-56 feeling or hearing, or such bodily or mental defect or disease as to  
1-57 render the juror [~~him~~] unfit for jury service, or that the juror  
1-58 [~~he~~] is legally blind and the court in its discretion is not  
1-59 satisfied that the juror [~~he~~] is fit for jury service in that  
1-60 particular case;

1-61 6. That the juror [~~he~~] is a witness in the case;

1-62 7. That the juror [~~he~~] served on the grand jury which  
1-63 found the indictment;

1-64 8. That the juror [~~he~~] served on a petit jury in a

2-1 former trial of the same case;

2-2 9. That the juror [~~he~~] has a bias or prejudice in favor  
2-3 of or against the defendant;

2-4 10. That from hearsay, or otherwise, there is  
2-5 established in the mind of the juror such a conclusion as to the  
2-6 guilt or innocence of the defendant as would influence the juror  
2-7 [~~him in his action~~] in finding a verdict. To ascertain whether this  
2-8 cause of challenge exists, the juror shall first be asked whether,  
2-9 in the juror's [~~his~~] opinion, the conclusion so established will  
2-10 influence the juror's [~~his~~] verdict. If the juror [~~he~~] answers in  
2-11 the affirmative, the juror [~~he~~] shall be discharged without further  
2-12 interrogation by either party or the court. If the juror [~~he~~]  
2-13 answers in the negative, the juror [~~he~~] shall be further examined as  
2-14 to how the juror's [~~his~~] conclusion was formed, and the extent to  
2-15 which it will affect the juror's [~~his~~] action; and, if it appears to  
2-16 have been formed from reading newspaper accounts, communications,  
2-17 statements or reports or mere rumor or hearsay, and if the juror  
2-18 states that the juror [~~he~~] feels able, notwithstanding such  
2-19 opinion, to render an impartial verdict upon the law and the  
2-20 evidence, the court, if satisfied that the juror [~~he~~] is impartial  
2-21 and will render such verdict, may, in its discretion, admit the  
2-22 juror [~~him~~] as competent to serve in such case. If the court, in its  
2-23 discretion, is not satisfied that the juror [~~he~~] is impartial, the  
2-24 juror shall be discharged;

2-25 11. That the juror [~~he~~] cannot read or write.

2-26 No juror shall be impaneled when it appears that the juror  
2-27 [~~he~~] is subject to the second, third or fourth grounds of challenge  
2-28 for cause set forth above, although both parties may consent. All  
2-29 other grounds for challenge may be waived by the party or parties in  
2-30 whose favor such grounds of challenge exist.

2-31 In this subsection "legally blind" shall mean having not more  
2-32 than 20/200 of visual acuity in the better eye with correcting  
2-33 lenses, or visual acuity greater than 20/200 but with a limitation  
2-34 in the field of vision such that the widest diameter of the visual  
2-35 field subtends an angle no greater than 20 degrees.

2-36 SECTION 3. Section 62.102, Government Code, is amended to  
2-37 read as follows:

2-38 Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. A  
2-39 person is disqualified to serve as a petit juror unless the person  
2-40 [~~he~~]:

2-41 (1) is at least 18 years of age;

2-42 (2) is a citizen of this state and of the county in  
2-43 which the person [~~he~~] is to serve as a juror;

2-44 (3) is qualified under the constitution and laws to  
2-45 vote in the county in which the person [~~he~~] is to serve as a juror;

2-46 (4) is of sound mind and good moral character;

2-47 (5) is able to read and write;

2-48 (6) has not served as a petit juror for six days during  
2-49 the preceding three months in the county court or during the  
2-50 preceding six months in the district court;

2-51 (7) has not been convicted of misdemeanor theft or a  
2-52 felony; and

2-53 (8) is not under indictment or other legal accusation  
2-54 for [~~of~~] misdemeanor [~~or felony~~] theft or a [~~any other~~] felony.

2-55 SECTION 4. The changes in law made by this Act apply only to  
2-56 qualifications for jury service for a person required to appear for  
2-57 jury service by a summons made on or after September 1, 2005. The  
2-58 qualifications of a person required to appear for jury service  
2-59 before September 1, 2005, are covered by the law in effect on the  
2-60 date the summons is made, and the former law is continued in effect  
2-61 for that purpose.

2-62 SECTION 5. This Act takes effect September 1, 2005.

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