

BILL ANALYSIS

H.B. 1086
By: Hughes
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently under the Code of Criminal Procedure, an alternate juror must be discharged when the jury retires to consider a verdict of guilt or innocence. This can become a problem if during deliberation or the penalty phase a regular juror is excused. H.B. 1086 would delay the discharge of the alternate juror until a verdict has been rendered or, if applicable, the penalty phase has been completed.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1086 amends Article 33.011(b), Code of Criminal Procedure, to provide that an alternate juror is required to replace jurors, who become or are found to be unable or disqualified to perform their duties, prior to the time the jury renders a verdict on the guilt or innocence of the defendant, and if applicable, the amount of punishment. An alternate juror who does not replace a regular juror is required to 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 bill strikes the requirement that alternate jurors shall replace unable or disqualified jurors up until the jury retires to consider its verdict.

The bill also amends Article 36.29(d), Code of Criminal Procedure, to provide that after the jury has rendered a verdict on the guilt or innocence of the defendant and, if applicable, the amount of punishment, the court is required to discharge an alternate juror who has not replaced a juror. The bill strikes the requirement that an alternate juror who has not replaced a juror be discharged after the charge of the court is read to the jury.

EFFECTIVE DATE

September 1, 2007.