

BILL ANALYSIS

C.S.H.B. 3413
By: Gattis
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Juries are important part of the judicial process. The purpose of this bill is to provide for county jury administration plans, remove exemptions from service, raise penalties and jury fees.

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

Section 1 of the bill amends the Government Code to increase the jury fee to \$60 in civil cases in district, county and statutory county courts. This section also provides for a dedicated jury assembly and administration fund to be administered by the comptroller.

Section 2 removes reference to a jury wheel from a section of the Government Code and requires the Secretary of State to compile a master jury list for each county, which is to be updated quarterly. In addition, the district clerk of each county must send a quarterly list to the Secretary of State of persons who have recently been summoned for jury service under a plan developed under Section 62.022, Government Code, which would be added by the act. The secretary of state would remove such persons from its updated list. Several existing provisions of current law relating to reconstitution of the jury wheel are repealed.

Section 3 makes a conforming change.

Section 4 adds Section 62.022 to the Government Code which provides that commissioners courts shall adopt jury administration plans on the recommendation of a majority of the district, county statutory county and statutory probate judges in a county. The section contains provisions relating to the contents of the plan. Counties adopting plans are required to send annual reports regarding compliance to the supreme court. The section provides that approved plans trump existing law conflicting with them and that failure to follow a procedure governed by a plan is not a ground for appeal. The section also provides that the public shall be granted reasonable access to the jury administration process.

Section 5 removes misdemeanor theft as a basis for disqualifying a person from jury service. A concern in this regard is a desire to restore the qualification of hot check convicts.

Section 6 amends the exemption from jury service for persons with legal custody of young children who would have to be left without adequate supervision by raising the age limit for the child in question to 12 from 10 years of age. The exemption for high school students is amended to limit the exemption to dates when school is in session. The section also repeals exemptions for prior service within two years in counties over 200,000 population without certain plans and in counties of at least 250,000 population who have served within 3 years.

Sections 7 through 10 make a conforming changes.

Section 11 raises the jury fee in district courts to \$60 from \$30.

Section 12 raises the jury fee in statutory county courts to \$60 from \$22.

Section 13 raises the jury fee for a civil case in statutory probate court to \$60 from \$22.

Section 14 raises the jury fee in county courts to \$60 from \$22.

Section 15 raises the jury fee on conviction in justice court to \$10 from \$3 and repeals the current fee of \$3 for withdrawing a request for a jury less than 24 hours before time of trial.

Section 16 raises the jury fee on conviction in municipal court to \$10 from \$3 and repeals the existing \$3 fee for withdrawing a request for a jury less than 24 hours before time of trial.

Section 17 raises the fine applicable to unexcused juror absence from \$10 to a range of \$100 to \$1,000.

Section 18 makes a conforming change regarding age of a child under care of a potential juror.

Section 19 amends the Code of Criminal Procedure to reflect the increased fine for absent jurors.

Section 20 amends the Code of Criminal Procedure to reflect the increase in justice and municipal court jury fees to \$10 and to state that jury fees are nonrefundable.

Section 21 repeals a number of existing provisions.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Sections 1, 2 and 3 of the substitute are not found in the bill as originally introduced and contain new provisions, including provisions in Section 1 regarding a jury assembly and administration fund to be administered by the comptroller, appropriations of which are limited to the secretary of state and supreme court for the purpose of improving jury assembly and administration.

Section 4 of the substitute provides that county commissioners "shall" adopt a plan recommended by the judges whereas the original bill provided the commissioners "may" adopt such plans. The substitute also changes the required contents of a jury plan with regard to designation of the officer in charge of jury administration. This section also changes the wording with respect to whether failure to follow the jury plan is a ground for appeal.

Sections 5 and 6 of the substitute are contained in the original bill under different section numbers. Section 6 of the substitute is altered from the corresponding section in the original by eliminating the repeal of the legislative exemption and changing the exemption for custody of a child to apply to children younger than 12 instead of 14.

Sections 7 through 10 of the substitute are new in the substitute.

Section 11 through 20 of the substitute are in the original bill under different section numbers.

Section 21 of the substitute is different from the corresponding section of the original bill in that the substitute strikes, and therefore does not repeal, four existing sections of the Government Code, including Section 62.001.