

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 399
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Jurisprudence
3/23/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some large counties have a jury pool list that is used for two years. Current law limits postponements to "jurors who have not received a postponement during the one-year period preceding the date on which the person is summoned to appear." This can create problems if the juror is called to serve at the end of the two-year cycle, postpones service, and is subsequently called to serve again on the next two-year list at which time the person is not be eligible for postponement if said service is within a calendar year of the last postponement. Current language limits who can be contacted to request the postponements to the "clerk of the court." Some counties have a designee of the court, as permitted under other sections of law, to hear excuses. Finally, a second postponement may only be granted under current law for cases of "extreme emergency." There may be legitimate reasons that do not rise to the level of an "extreme emergency" to justify a second postponement.

C.S.S.B. 399 allows a prospective juror one postponement during the entire jury selection list period. In addition, this bill authorizes the use of a court designee in matters relating to postponements of jury service.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 62, Government Code, by adding Section 62.0144, as follows:

Sec. 62.0144. POSTPONEMENT OF JURY SERVICE IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of at least 1.4 million that has within its boundaries at least two municipalities that each have a population of 300,000 or more.

(b) Authorizes a person who is summoned for jury service to request a postponement of the person's initial appearance by contacting the clerk of the court or the clerk's designee (clerk) in person, in writing, or by telephone before the date on which the person is to appear.

(c) Requires to court clerk to grant the person a postponement, upon receipt of a request, if the person has not been granted such postponement in that county since the date on which the jury wheel from which the person was selected to appear was most recently reconstituted and the person and court clerk determine a substitute date for the appearance that is not later than six months from the original date.

(d) Authorizes a person to request subsequent postponements in the aforementioned manner. Authorizes the court clerk, to approve such requests if the person has a legitimate reason for requesting the postponement. Requires the person and court clerk, to determine a substitute date for the appearance not later than six months after the later of the initial postponement under Subsection (c) or the most recent postponement.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.