

BILL ANALYSIS

Senate Research Center
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S.B. 1300
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the range of actions that a juror can take while on jury duty may be considered limited. Note-taking, limited juror discussion, and the submission of anonymous written questions to a witness, among other actions, are prohibited. Statutory changes that allow these actions might assist jurors in competently and confidently fulfilling their duty to determine the credibility of any presented evidence.

As proposed, S.B. 1300 enacts Chapter 25 (Jury Trial Procedures), Civil Practice and Remedies Code, to provide for certain jury trial reforms. This bill also requires the name of a prospective juror who is not impaneled due to an excuse to be immediately returned to the jury wheel and provides certain limitations to the exemption from jury duty for legislators and legislative staff.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 1 (Section 25.001, Civil Practice and Remedies Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 2, Civil Practice and Remedies Code, by adding Chapter 25, as follows:

CHAPTER 25. JURY TRIAL PROCEDURES

Sec. 25.001. SUPREME COURT TO MAKE RULES. Requires the Texas Supreme Court (supreme court) to promulgate rules relating to jury procedures for trials in this state in accordance with guidelines provided by this chapter.

Sec. 25.002. PRELIMINARY INSTRUCTIONS TO JURY. (a) Requires the rules promulgated by the supreme court (rules) to provide that the court is required to instruct the jury in certain matters immediately after the jury is sworn.

(b) Requires the rules to provide that the court is required to read the charge to the jury in the manner provided by Rule 275 (Charge Read Before Argument), Texas Rules of Civil Procedure.

Sec. 25.003. SUBMISSION OF WRITTEN QUESTIONS. (a) Requires the rules to provide that the court is required to permit jurors to submit to the court written questions to be directed to a witness or to the court as provided by this section.

(b) Authorizes the anonymous submission of the questions.

(c) Requires the rules to provide that the court is required to provide an opportunity, outside of the presence of the jury, to counsel for the parties to object to the questions, is required to require that the questions are answered orally in open court and are made part of the record, and is authorized, for good cause, to prohibit or limit the submission of questions to witnesses.

Sec. 25.004. JUROR DISCUSSIONS. (a) Requires the rules to provide that the court is required to admonish jurors, if jurors are permitted to separate during the trial, regarding

the jurors' duty not to converse with or permit themselves to be addressed by any person on any subject connected with the trial, except that jurors are permitted to discuss the evidence among themselves in the jury room during recesses from trial when all jurors are present, as long as they reserve judgment about the outcome of the cause until deliberations commence, except as provided by Subsection (b).

(b) Requires the rules to provide that the court is authorized, for good cause, to prohibit or limit the discussion of the evidence by jurors among themselves during recesses.

Sec. 25.005. NOTE-TAKING BY JURORS. (a) Requires the rules to provide that the court is required to instruct the jurors that the jurors are authorized to take notes regarding the evidence; are authorized to use those notes while court is in session for the purpose of refreshing their memory for use during recesses, discussions, and deliberations; and are required to turn in the notes to the bailiff at the end of each day when the court is not in session or when deliberations have ended for that day.

(b) Requires the rules to provide that the court is required to provide materials suitable for the note taking described in Subsection (a), to require the bailiff or clerk to collect and promptly destroy those notes after the jury has rendered its verdict, and to prohibit the use of the notes as evidence on appeal or in any other proceeding.

Sec. 25.006. INTERIM SUMMATIONS. Requires the rules to provide that the court is, at the request of either party or on its own initiative, is authorized to allow counsel for each party to make interim summations after opening statements and before closing arguments.

SECTION 2. Amends Section 62.011(b), Government Code, to require a plan for the selection of names of prospective jurors authorized by Section 62.011 (Electronic or Mechanical Method of Selection), Government Code, to require that the name of a prospective juror who is not impaneled due to an excuse be immediately returned to the jury wheel.

SECTION 3. Amends Section 62.106(a), Government Code, to establish an exemption from petit juror service for a person who is an officer or an employee of certain entities in the legislative branch of state government, and the date of the trial or jury selection is within 30 days of a date when the legislature is to be in session or on a date when the legislature is in session or sits as a constitutional convention.

SECTION 4. Amends Section 62.110, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Prohibits the court or its designee from excusing a prospective juror for an economic reason unless each party of record is present and approves excusing, rather than the release of, the juror for that reason. Prohibits the court from informing a prospective juror excused under this subsection of the reason for excusing the juror.

(d) Requires the name of a prospective juror who is not impaneled due to an excuse to be immediately returned to the jury wheel.

SECTION 5. (a) Makes application of this Act prospective, regardless of the date of the case's commencement, except as provided by Subsection (b).

(b) Provides that the change in law made by Sections 62.106 and 62.110, Government Code, as amended by this Act, applies only to a person summoned for jury service who is required to appear on or after the effective date of this Act. Makes application of this Act toward a person required to appear for jury service before that date prospective.

SECTION 6. Effective date: September 1, 2007.