

1-1 By: Hughes (Senate Sponsor - Wentworth) H.B. No. 1086
1-2 (In the Senate - Received from the House May 1, 2007;
1-3 May 2, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 15, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 15, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1086 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to jurors and alternate jurors in a criminal case.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 33.011(b), Code of Criminal Procedure,
1-13 is amended to read as follows:

1-14 (b) Alternate jurors in the order in which they are called
1-15 shall replace jurors who, prior to the time the jury renders a
1-16 verdict on the guilt or innocence of the defendant and, if
1-17 applicable, the amount of punishment [~~retires to consider its~~
1-18 ~~verdict~~], become or are found to be unable or disqualified to
1-19 perform their duties or are found by the court on agreement of the
1-20 parties to have good cause for not performing their duties.
1-21 Alternate jurors shall be drawn and selected in the same manner,
1-22 shall have the same qualifications, shall be subject to the same
1-23 examination and challenges, shall take the same oath, and shall
1-24 have the same functions, powers, facilities, security, and
1-25 privileges as regular jurors. An alternate juror who does not
1-26 replace a regular juror shall be discharged after the jury has
1-27 rendered a verdict on the guilt or innocence of the defendant and,
1-28 if applicable, the amount of punishment [~~the jury retires to~~
1-29 ~~consider its verdict~~].

1-30 SECTION 2. Article 36.29(d), Code of Criminal Procedure, is
1-31 amended to read as follows:

1-32 (d) After the jury has rendered a verdict on the guilt or
1-33 innocence of the defendant and, if applicable, the amount of
1-34 punishment [~~the charge of the court is read to the jury~~], the court
1-35 shall discharge an alternate juror who has not replaced a juror.

1-36 SECTION 3. The change in law made by this Act applies only
1-37 to a trial commenced on or after the effective date of this Act. A
1-38 trial commenced before the effective date of this Act is covered by
1-39 the law in effect when the trial was commenced, and the former law
1-40 is continued in effect for that purpose.

1-41 SECTION 4. This Act takes effect September 1, 2007.

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