By: Laubenberg   H.B. No. 1577

A BILL TO BE ENTITLED

1   AN ACT

2   relating to certain challenges for cause in criminal cases.

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4   SECTION 1. Article 35.16, Code of Criminal Procedure, is

5   amended by amending Subsections (b) and (c) and adding Subsection

6   (d) to read as follows:

7   (b) A challenge for cause may be made by the State for any of

8   the following reasons:

9   1. That the juror has conscientious scruples in regard

10   to the infliction of the punishment of death for crime, in a capital

11   case, where the State is seeking the death penalty;

12   2. That the juror [he] is related within the third

13   degree of consanguinity or affinity, as determined under Chapter

14   573, Government Code, to the defendant; and

15   3. That, except as provided by Subsection (d), the

16   juror [he] has a bias or prejudice against any phase of the law upon

17   which the State is entitled to rely for conviction or punishment.

18   (c) A challenge for cause may be made by the defense for any

19   of the following reasons:

20   1. That the juror [he] is related within the third

21   degree of consanguinity or affinity, as determined under Chapter

22   573, Government Code, to the person injured by the commission of the

23   offense, or to any prosecutor in the case; and

24   2. That the juror [he] has a bias or prejudice against

1   any of the law applicable to the case upon which the defense is

2   entitled to rely, either as a defense to some phase of the offense

3   for which the defendant is being prosecuted or as a mitigation

4   thereof or, except as provided by Subsection (d), of the punishment

5   therefor.

6   (d)   The state or the defense may not make a challenge for

7   cause against a juror solely because the juror indicates that, if

8   the defendant is found guilty, the juror will be unable or unwilling

9   to consider recommending to the judge that the judge suspend the

10   imposition of the sentence and place the defendant on community

11   supervision under Article 42.12.

12   SECTION 2.   Article 35.16, Code of Criminal Procedure, as

13   amended by this Act, applies only to a criminal trial that commences

14   on or after the effective date of this Act.   A criminal trial that

15   commences before the effective date of this Act is governed by the

16   law in effect at the time the trial commences, and the former law is

17   continued in effect for that purpose.

18   SECTION 3.   This Act takes effect September 1, 2007.