

By: Dutton

H.B. No. 1596

A BILL TO BE ENTITLED

AN ACT

relating to the restoration of certain rights to a criminal defendant.

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

SECTION 1. Article 35.16(a), Code of Criminal Procedure, is amended to read as follows:

(a) A challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. A challenge for cause may be made by either the state or the defense for any one of the following reasons:

1. That the juror is not a qualified voter in the state and county under the Constitution and laws of the state; provided, however, the failure to register to vote shall not be a disqualification;

2. That the juror has been convicted of misdemeanor theft or a felony and has not had the juror's right to serve as a petit juror restored as provided by law;

3. That the juror is under indictment or other legal accusation for misdemeanor theft or a felony;

4. That the juror is insane;

5. That the juror has such defect in the organs of feeling or hearing, or such bodily or mental defect or disease as to render the juror unfit for jury service, or that the juror is

1 legally blind and the court in its discretion is not satisfied that  
2 the juror is fit for jury service in that particular case;

3 6. That the juror is a witness in the case;

4 7. That the juror served on the grand jury which found  
5 the indictment;

6 8. That the juror served on a petit jury in a former  
7 trial of the same case;

8 9. That the juror has a bias or prejudice in favor of  
9 or against the defendant;

10 10. That from hearsay, or otherwise, there is  
11 established in the mind of the juror such a conclusion as to the  
12 guilt or innocence of the defendant as would influence the juror in  
13 finding a verdict. To ascertain whether this cause of challenge  
14 exists, the juror shall first be asked whether, in the juror's  
15 opinion, the conclusion so established will influence the juror's  
16 verdict. If the juror answers in the affirmative, the juror shall  
17 be discharged without further interrogation by either party or the  
18 court. If the juror answers in the negative, the juror shall be  
19 further examined as to how the juror's conclusion was formed, and  
20 the extent to which it will affect the juror's action; and, if it  
21 appears to have been formed from reading newspaper accounts,  
22 communications, statements or reports or mere rumor or hearsay, and  
23 if the juror states that the juror feels able, notwithstanding such  
24 opinion, to render an impartial verdict upon the law and the  
25 evidence, the court, if satisfied that the juror is impartial and  
26 will render such verdict, may, in its discretion, admit the juror as  
27 competent to serve in such case. If the court, in its discretion,

1 is not satisfied that the juror is impartial, the juror shall be  
2 discharged;

3 11. That the juror cannot read or write.

4 No juror shall be impaneled when it appears that the juror is  
5 subject to the second, third or fourth grounds of challenge for  
6 cause set forth above, although both parties may consent. All other  
7 grounds for challenge may be waived by the party or parties in whose  
8 favor such grounds of challenge exist.

9 In this subsection "legally blind" shall mean having not more  
10 than 20/200 of visual acuity in the better eye with correcting  
11 lenses, or visual acuity greater than 20/200 but with a limitation  
12 in the field of vision such that the widest diameter of the visual  
13 field subtends an angle no greater than 20 degrees.

14 SECTION 2. Article 42.12, Code of Criminal Procedure, is  
15 amended by adding Section 20A to read as follows:

16 Sec. 20A. RESTORATION OF CERTAIN RIGHTS. (a) At any time  
17 after the defendant has satisfactorily completed one-third of the  
18 original community supervision period or two years of community  
19 supervision, whichever is less, and the defendant has successfully  
20 completed a citizenship class and at least 10 hours of community  
21 service under Subsection (b), the defendant may petition the court  
22 to restore and the court may restore the following rights:

23 (1) the right to be a candidate for, or elected or  
24 appointed to, a public elective office in this state;

25 (2) the right to vote;

26 (3) the right to serve as a petit juror; and

27 (4) the right to serve as an executor or administrator

1 of an estate for a person who is related to the defendant within the  
2 third degree by consanguinity or within the second degree by  
3 affinity, as determined under Chapter 573, Government Code.

4 (b) To be eligible for a restoration of rights under this  
5 section, the defendant must:

6 (1) complete a citizenship class that is administered  
7 by an organization or entity certified, in accordance with rules  
8 adopted by the Texas Department of Criminal Justice, to provide  
9 instruction regarding the rights and responsibilities of citizens  
10 for the purposes of this section;

11 (2) complete at least 10 hours of community service;  
12 and

13 (3) provide documentation of the defendant's  
14 successful completion of the citizenship class and of at least 10  
15 hours of community service to the court on the filing of a petition  
16 under Subsection (a).

17 (c) The court must rule on a petition filed under Subsection  
18 (a) not later than the 180th day after the date the petition is  
19 filed. If the court fails to rule on the petition on or before the  
20 180th day after the date the petition is filed and if the defendant  
21 is otherwise eligible for the restoration of rights under this  
22 section, the court shall restore all of the defendant's rights  
23 described by Subsection (a).

24 SECTION 3. Section 11.002, Election Code, is amended to  
25 read as follows:

26 Sec. 11.002. QUALIFIED VOTER. In this code, "qualified  
27 voter" means a person who:

- 1 (1) is 18 years of age or older;
- 2 (2) is a United States citizen;
- 3 (3) has not been determined mentally incompetent by a  
4 final judgment of a court;
- 5 (4) has not been finally convicted of a felony or, if  
6 so convicted, has:
  - 7 (A) fully discharged the person's sentence,  
8 including any term of incarceration, parole, or supervision, or  
9 completed a period of community supervision [~~probation~~] ordered by  
10 any court;
  - 11 (B) had the person's right to vote restored as  
12 provided by law; or
  - 13 (C) [~~(B)~~] been pardoned or otherwise released  
14 from the resulting disability to vote;
- 15 (5) is a resident of this state; and
- 16 (6) is a registered voter.

17 SECTION 4. Section 141.001(a), Election Code, is amended to  
18 read as follows:

19 (a) To be eligible to be a candidate for, or elected or  
20 appointed to, a public elective office in this state, a person must:

- 21 (1) be a United States citizen;
- 22 (2) be 18 years of age or older on the first day of the  
23 term to be filled at the election or on the date of appointment, as  
24 applicable;
- 25 (3) have not been determined mentally incompetent by a  
26 final judgment of a court;
- 27 (4) have not been finally convicted of a felony or, if

1 convicted, have:

2 (A) had the person's right to be a candidate for,  
3 or elected or appointed to, a public elective office in this state  
4 restored as provided by law; or

5 (B) [~~from which the person has not~~] been pardoned  
6 or otherwise released from the resulting disabilities;

7 (5) have resided continuously in the state for 12  
8 months and in the territory from which the office is elected for six  
9 months immediately preceding the following date:

10 (A) for a candidate whose name is to appear on a  
11 general primary election ballot, the date of the regular filing  
12 deadline for a candidate's application for a place on the ballot;

13 (B) for an independent candidate, the date of the  
14 regular filing deadline for a candidate's application for a place  
15 on the ballot;

16 (C) for a write-in candidate, the date of the  
17 election at which the candidate's name is written in;

18 (D) for a party nominee who is nominated by any  
19 method other than by primary election, the date the nomination is  
20 made; and

21 (E) for an appointee to an office, the date the  
22 appointment is made; and

23 (6) satisfy any other eligibility requirements  
24 prescribed by law for the office.

25 SECTION 5. Section 62.102, Government Code, is amended to  
26 read as follows:

27 Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. A

1 person is disqualified to serve as a petit juror unless the person:

2 (1) is at least 18 years of age;

3 (2) is a citizen of this state and of the county in  
4 which the person is to serve as a juror;

5 (3) is qualified under the constitution and laws to  
6 vote in the county in which the person is to serve as a juror;

7 (4) is of sound mind and good moral character;

8 (5) is able to read and write;

9 (6) has not served as a petit juror for six days during  
10 the preceding three months in the county court or during the  
11 preceding six months in the district court;

12 (7) has not been convicted of misdemeanor theft or a  
13 felony or, if the person has been convicted of misdemeanor theft or  
14 a felony, has had the person's right to serve as a petit juror  
15 restored as provided by law; and

16 (8) is not under indictment or other legal accusation  
17 for misdemeanor theft or a felony.

18 SECTION 6. Chapter 493, Government Code, is amended by  
19 adding Section 493.026 to read as follows:

20 Sec. 493.026. CERTIFICATION TO INSTRUCT CITIZENSHIP  
21 CLASSES. The department by rule shall establish eligibility  
22 criteria, requirements, and procedures for certifying an  
23 organization or entity to provide instruction regarding the rights  
24 and responsibilities of citizens for the purposes of Section 20A,  
25 Article 42.12, Code of Criminal Procedure.

26 SECTION 7. Section 78, Texas Probate Code, is amended to  
27 read as follows:

1           Sec. 78. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR  
2 ADMINISTRATOR. A ~~No~~ person is disqualified ~~[qualified]~~ to serve  
3 as an executor or administrator if the person ~~[who]~~ is:

4           (a) An incapacitated person;

5           (b) A convicted felon, under the laws either of the  
6 United States or of any state or territory of the United States, or  
7 of the District of Columbia, unless the ~~[such]~~ person has been duly  
8 pardoned, or has had the person's ~~[his]~~ civil rights or right to  
9 serve as an executor or administrator restored, in accordance with  
10 law;

11           (c) A non-resident (natural person or corporation) of  
12 this State who has not appointed a resident agent to accept service  
13 of process in all actions or proceedings with respect to the estate,  
14 and caused such appointment to be filed with the court;

15           (d) A corporation not authorized to act as a fiduciary  
16 in this State; or

17           (e) A person whom the court finds unsuitable.

18           SECTION 8. This Act applies to a defendant placed on  
19 community supervision before, on, or after the effective date of  
20 this Act.

21           SECTION 9. This Act takes effect September 1, 2007.