

By: Wentworth

S.B. No. 1300

A BILL TO BE ENTITLED

AN ACT

relating to juries.

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

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

CHAPTER 25. JURY TRIAL PROCEDURES

Sec. 25.001. SUPREME COURT TO MAKE RULES. The supreme court shall promulgate rules relating to jury procedures for trials in this state in accordance with the guidelines provided by this chapter.

Sec. 25.002. PRELIMINARY INSTRUCTIONS TO JURY. (a) The rules promulgated by the supreme court must provide that, immediately after a jury is sworn, the court shall instruct the jury concerning:

(1) its duties;

(2) its conduct;

(3) the order of proceedings;

(4) the procedure for submitting written questions to witnesses or the court under Section 25.003; and

(5) the elementary legal principles that will govern the proceeding.

(b) The rules promulgated by the supreme court must provide that the court shall read the charge to the jury in the manner provided by Rule 275, Texas Rules of Civil Procedure.

1 Sec. 25.003. SUBMISSION OF WRITTEN QUESTIONS. (a) The
2 rules promulgated by the supreme court must provide that a court
3 shall permit jurors to submit to the court written questions
4 directed to a witness or to the court as provided by this section.

5 (b) The questions may be submitted anonymously.

6 (c) The rules promulgated by the supreme court must provide
7 that the court:

8 (1) shall provide an opportunity, out of the presence
9 of the jury, to counsel for the parties to object to the questions;

10 (2) shall require that the questions are answered
11 orally in open court and made part of the record; and

12 (3) may, for good cause, prohibit or limit the
13 submission of questions to witnesses.

14 Sec. 25.004. JUROR DISCUSSIONS. (a) The rules promulgated
15 by the supreme court must provide that, except as provided by
16 Subsection (b), if the jurors are permitted to separate during the
17 trial, the court shall admonish them that it is their duty not to
18 converse with or permit themselves to be addressed by any person on
19 any subject connected with the trial, except that they are
20 permitted to discuss the evidence among themselves in the jury room
21 during recesses from trial when all jurors are present, as long as
22 they reserve judgment about the outcome of the case until
23 deliberations commence.

24 (b) The rules promulgated by the supreme court must provide
25 that the court may, for good cause, prohibit or limit the discussion
26 of the evidence by jurors among themselves during recesses.

27 Sec. 25.005. NOTE-TAKING BY JURORS. (a) The rules

1 promulgated by the supreme court must provide that the court shall
2 instruct the jurors that they:

3 (1) may take notes regarding the evidence;

4 (2) may use the notes during the time the court is in
5 session for the purpose of refreshing their memory for use during
6 recesses, discussions, and deliberations; and

7 (3) must turn in the notes to the bailiff at the end of
8 each day when the court is not in session or when deliberations have
9 ended for that day.

10 (b) The rules promulgated by the supreme court must provide
11 that:

12 (1) the court shall provide materials suitable for the
13 purpose described in Subsection (a);

14 (2) after the jury has rendered its verdict, the
15 bailiff or clerk shall collect the notes and promptly destroy them;
16 and

17 (3) the notes may not be used in evidence on appeal or
18 in any other proceeding.

19 Sec. 25.006. INTERIM SUMMATIONS. The rules promulgated by
20 the supreme court must provide that the court may, at the request of
21 either party or on its own initiative, allow counsel for each party
22 to make interim summations after opening statements and before
23 closing arguments.

24 SECTION 2. Section 62.011(b), Government Code, is amended
25 to read as follows:

26 (b) A plan authorized by this section for the selection of
27 names of prospective jurors must:

1 (1) be proposed in writing to the commissioners court
2 by a majority of the district and criminal district judges of the
3 county at a meeting of the judges called for that purpose;

4 (2) specify that the source of names of persons for
5 jury service is the same as that provided by Section 62.001 and that
6 the names of persons listed in a register of persons exempt from
7 jury service may not be used in preparing the record of names from
8 which a jury list is selected, as provided by Sections 62.108 and
9 62.109;

10 (3) provide a fair, impartial, and objective method of
11 selecting names of persons for jury service with the aid of
12 electronic or mechanical equipment;

13 (4) designate the district clerk as the officer in
14 charge of the selection process and define his duties; ~~and~~

15 (5) provide that the method of selection either will
16 use the same record of names for the selection of persons for jury
17 service until that record is exhausted or will use the same record
18 of names for a period of time specified by the plan; and

19 (6) require that the name of a prospective juror who is
20 not impaneled due to an excuse be immediately returned to the jury
21 wheel.

22 SECTION 3. Section 62.106(a), Government Code, is amended
23 to read as follows:

24 (a) A person qualified to serve as a petit juror may
25 establish an exemption from jury service if the person:

26 (1) is over 70 years of age;

27 (2) has legal custody of a child younger than 10 years

1 of age and the person's service on the jury requires leaving the
2 child without adequate supervision;

3 (3) is a student of a public or private secondary
4 school;

5 (4) is a person enrolled and in actual attendance at an
6 institution of higher education;

7 (5) is an officer or an employee of the senate, the
8 house of representatives, or any department, commission, board,
9 office, or other agency in the legislative branch of state
10 government, and the date of the trial or jury selection is:

11 (A) within 30 days of a date when the legislature
12 is to be in session; or

13 (B) on a date when the legislature:

14 (i) is in session; or

15 (ii) sits as a constitutional convention;

16 (6) is summoned for service in a county with a
17 population of at least 200,000, unless that county uses a jury plan
18 under Section 62.011 and the period authorized under Section
19 62.011(b)(5) exceeds two years, and the person has served as a petit
20 juror in the county during the 24-month period preceding the date
21 the person is to appear for jury service;

22 (7) is the primary caretaker of a person who is an
23 invalid unable to care for himself;

24 (8) except as provided by Subsection (b), is summoned
25 for service in a county with a population of at least 250,000 and
26 the person has served as a petit juror in the county during the
27 three-year period preceding the date the person is to appear for

1 jury service; or

2 (9) is a member of the United States military forces
3 serving on active duty and deployed to a location away from the
4 person's home station and out of the person's county of residence.

5 SECTION 4. Section 62.110, Government Code, is amended by
6 amending Subsection (c) and adding Subsection (d) to read as
7 follows:

8 (c) The court or the court's designee as provided by this
9 section may not excuse a prospective juror for an economic reason
10 unless each party of record is present and approves excusing [~~the~~
11 ~~release of~~] the juror for that reason. The court may not inform a
12 prospective juror excused under this subsection of the reason for
13 excusing the juror.

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

16 SECTION 5. (a) Except as provided by Subsection (b) of this
17 section, this Act applies to a case in which a jury is sworn on or
18 after the effective date of this Act, without regard to whether the
19 case commenced before, on, or after that date.

20 (b) The change in law made by this Act to Sections 62.106 and
21 62.110, Government Code, applies only to a person summoned to
22 appear for jury service who is required to appear on or after the
23 effective date of this Act. A person who is summoned to appear
24 before the effective date of this Act is governed by the law as it
25 existed immediately before the effective date of this Act, and that
26 law is continued in effect for that purpose.

27 SECTION 6. This Act takes effect September 1, 2007.