

1-1 By: Wentworth S.B. No. 1300
1-2 (In the Senate - Filed March 7, 2007; March 19, 2007, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 May 11, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 1; May 11, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1300 By: Wentworth
1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to juries.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subtitle B, Title 2, Civil Practice and Remedies
1-13 Code, is amended by adding Chapter 25 to read as follows:
1-14 CHAPTER 25. JURY TRIAL PROCEDURES
1-15 SUBCHAPTER A. GENERAL PROVISIONS
1-16 Sec. 25.001. APPLICABILITY. This chapter applies to a
1-17 civil trial by jury in this state.
1-18 Sec. 25.002. CHAPTER GOVERNS OVER RULES. Notwithstanding
1-19 Section 22.004, Government Code, the supreme court may not amend or
1-20 adopt rules in conflict with this chapter.
1-21 [Sections 25.003-25.050 reserved for expansion]
1-22 SUBCHAPTER B. JURY PROCEDURES
1-23 Sec. 25.051. PRELIMINARY INSTRUCTIONS TO JURY.
1-24 (a) Immediately after a jury is sworn, the court shall instruct
1-25 the jury concerning:
1-26 (1) its duties;
1-27 (2) its conduct;
1-28 (3) the order of proceedings; and
1-29 (4) the elementary legal principles that will govern
1-30 the proceeding.
1-31 (b) The court shall read the charge to the jury in the manner
1-32 provided by Rule 275, Texas Rules of Civil Procedure.
1-33 Sec. 25.052. JUROR DISCUSSIONS. (a) Except as provided by
1-34 Subsection (b), if the jurors are permitted to separate during the
1-35 trial, the court shall admonish them that it is their duty not to
1-36 converse with or permit themselves to be addressed by any person on
1-37 any subject connected with the trial, except that they are
1-38 permitted to discuss the evidence among themselves in the jury room
1-39 during recesses from trial when all jurors are present, as long as
1-40 they reserve judgment about the outcome of the case until
1-41 deliberations commence.
1-42 (b) The court may, for good cause, prohibit or limit the
1-43 discussion of the evidence by jurors among themselves during
1-44 recesses.
1-45 Sec. 25.053. NOTE-TAKING BY JURORS. (a) The court shall
1-46 instruct the jurors that they:
1-47 (1) may take notes regarding the evidence;
1-48 (2) may use the notes during the time the court is in
1-49 session for the purpose of refreshing their memory for use during
1-50 recesses, discussions, and deliberations; and
1-51 (3) must turn in the notes to the bailiff at the end of
1-52 each day when the court is not in session or when deliberations have
1-53 ended for that day.
1-54 (b) The court shall provide materials suitable for the
1-55 purpose described in Subsection (a).
1-56 (c) After the jury has rendered its verdict, the bailiff or
1-57 clerk shall collect the notes and promptly destroy them.
1-58 (d) The notes may not be used in evidence on appeal or in any
1-59 other proceeding.
1-60 Sec. 25.054. INTERIM SUMMATIONS. The court may, at the
1-61 request of either party or on its own initiative, allow counsel for
1-62 each party to make interim summations after opening statements and
1-63 before closing arguments.

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

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

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

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

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

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

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

(6) 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. Subsection (a), Section 62.106, Government Code, is amended to read as follows:

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

(1) is over 70 years of age;

(2) has legal custody of a child younger than 10 years of age and the person's service on the jury requires leaving the child without adequate supervision;

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

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

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

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

(B) on a date when the legislature:

(i) is in session; or

(ii) sits as a constitutional convention;

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

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

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

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

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

(c) The court or the court's designee as provided by this section may not excuse a prospective juror for an economic reason unless each party of record is present and approves excusing ~~the release of~~ the juror for that reason. The court may not inform a

3-1 prospective juror of the reason the prospective juror is not
3-2 excused under this subsection.

3-3 (d) The name of a prospective juror who is not impaneled due
3-4 to an excuse shall be immediately returned to the jury wheel.

3-5 SECTION 5. (a) Except as provided by Subsection (b) of
3-6 this section, this Act applies to a case in which a jury is sworn on
3-7 or after the effective date of this Act, without regard to whether
3-8 the case commenced before, on, or after that date.

3-9 (b) The change in law made by this Act to Sections 62.106 and
3-10 62.110, Government Code, applies only to a person summoned to
3-11 appear for jury service who is required to appear on or after the
3-12 effective date of this Act. A person who is summoned to appear
3-13 before the effective date of this Act is governed by the law as it
3-14 existed immediately before the effective date of this Act, and that
3-15 law is continued in effect for that purpose.

3-16 SECTION 6. This Act takes effect September 1, 2007.

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