

BILL ANALYSIS

H.B. 1321
By: Hughes
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Prior to the 80th Legislature, Regular Session, 2007, Texas law required an alternate juror to be discharged when a jury retired to the jury room to consider a verdict. However, problems arose when a juror was excused from deliberation, no alternate juror was available because the alternate jurors had already been discharged, and the court was left with no option but to declare a mistrial. H.B. 1086 enacted by the 80th Legislature, Regular Session, 2007, amended the Code of Criminal Procedure to delay the discharge of alternate jurors until after the jury had reached a verdict. Some provisions relating to jury discharge were left unamended, however, creating an inconsistency within the code.

H.B. 1321 requires a jury to be discharged if, after the charge is read, no alternate juror is available to replace a juror who is prevented from serving due to illness or accident.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1321 amends the Code of Criminal Procedure to require a jury to be discharged if, after the charge is read, no alternate juror is available to replace a juror who is prevented from serving due to illness or accident.

EFFECTIVE DATE

September 1, 2009.