

BILL ANALYSIS

Senate Research Center
81R12033 CAE-D

C.S.S.B. 445
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Jurisprudence
2/26/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no statutory authority allowing jurors to ask questions of witnesses or to take notes during a trial. Allowing such would assist jurors in competently and confidently fulfilling their duty to determine the credibility of the evidence presented to them.

C.S.S.B. 445 requires the Texas Supreme Court to promulgate rules relating to jury procedures for civil trials to allow jurors to ask questions directed to a witness or to the court and allows jurors to take notes regarding the evidence during civil trials. The bill sets forth certain guidelines and prohibitions that must be included in the rules.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the supreme court in SECTION 1 (Section 25.001, Civil Practice and Remedies Code) of this bill.

SECTION BY SECTION ANALYSIS

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

CHAPTER 25. CIVIL JURY TRIAL PROCEDURES

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

Sec. 25.002. SUBMISSION OF WRITTEN QUESTIONS. (a) Requires that the rules promulgated by the supreme court require a court to permit jurors in a civil trial to submit to the court written questions directed to a witness or to the court as provided by this section.

(b) Requires that the rules provide that juror questions are required to be submitted anonymously and before jury deliberations begin; counsel for each party will be given an opportunity, out of the presence of the jury and witnesses, to object to the questions; juror questions are required to be read by the court verbatim; juror questions will be answered orally in open court and made part of the record; counsel for each party will be given an opportunity to cross-examine witnesses after a juror question; and the court is authorized, for good cause, to prohibit or limit the submission of questions to witnesses.

Sec. 25.003. NOTE-TAKING BY JURORS. (a) Requires that the rules promulgated by the supreme court allow jurors in a civil trial to take notes regarding the evidence during the trial.

(b) Requires that the rules provide that the court is required to provide materials to jurors for note-taking; a juror is required to turn in the notes to the bailiff at the end of each day of court; after closing arguments are presented, the bailiff or clerk is required to collect and destroy the notes; and the notes are confidential and are prohibited from being included in the record of the trial.

(c) Prohibits notes taken by a juror during a trial, as provided by this section, from being taken by the juror into the jury room.

SECTION 2. Makes application of this Act prospective to a case in which a jury is sworn on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2009.