

By: Gonzalez Toureilles

H.B. No. 2575

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the qualifications for service as a grand or petit juror
3 and challenges for cause.

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

5 SECTION 1. Article 19.08, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 19.08. QUALIFICATIONS. No person shall be selected or
8 serve as a grand juror who does not possess the following
9 qualifications:

10 1. The person must be a citizen of the state, and of
11 the county in which the person is to serve, and be qualified under
12 the Constitution and laws to vote in said county, provided that the
13 person's failure to register to vote shall not be held to disqualify
14 the person in this instance;

15 2. The person must be of sound mind and good moral
16 character;

17 3. The person must be able to read and write;

18 4. The person must not have been convicted of
19 ~~[misdemeanor theft or]~~ a felony;

20 5. The person must not be under indictment or other
21 legal accusation for ~~[misdemeanor theft or]~~ a felony;

22 6. The person must not be related within the third
23 degree of consanguinity or second degree of affinity, as determined
24 under Chapter 573, Government Code, to any person selected to serve

1 or serving on the same grand jury;

2 7. The person must not have served as grand juror or
3 jury commissioner in the year before the date on which the term of
4 court for which the person has been selected as grand juror begins;

5 8. The person must not be a complainant in any matter
6 to be heard by the grand jury during the term of court for which the
7 person has been selected as a grand juror.

8 SECTION 2. Article 35.16(a), Code of Criminal Procedure, is
9 amended to read as follows:

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

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

19 2. That the juror has been convicted of [~~misdemeanor~~
20 ~~theft or~~] a felony;

21 3. That the juror is under indictment or other legal
22 accusation for [~~misdemeanor theft or~~] a felony;

23 4. That the juror is insane;

24 5. That the juror has such defect in the organs of
25 feeling or hearing, or such bodily or mental defect or disease as to
26 render the juror unfit for jury service, or that the juror is
27 legally blind and the court in its discretion is not satisfied that

1 the juror is fit for jury service in that particular case;

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

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

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

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

9 10. That from hearsay, or otherwise, there is
10 established in the mind of the juror such a conclusion as to the
11 guilt or innocence of the defendant as would influence the juror in
12 finding a verdict. To ascertain whether this cause of challenge
13 exists, the juror shall first be asked whether, in the juror's
14 opinion, the conclusion so established will influence the juror's
15 verdict. If the juror answers in the affirmative, the juror shall
16 be discharged without further interrogation by either party or the
17 court. If the juror answers in the negative, the juror shall be
18 further examined as to how the juror's conclusion was formed, and
19 the extent to which it will affect the juror's action; and, if it
20 appears to have been formed from reading newspaper accounts,
21 communications, statements or reports or mere rumor or hearsay, and
22 if the juror states that the juror feels able, notwithstanding such
23 opinion, to render an impartial verdict upon the law and the
24 evidence, the court, if satisfied that the juror is impartial and
25 will render such verdict, may, in its discretion, admit the juror as
26 competent to serve in such case. If the court, in its discretion,
27 is not satisfied that the juror is impartial, the juror shall be

1 discharged;

2 11. That the juror cannot read or write.

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

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

13 SECTION 3. Section 62.102, Government Code, is amended to
14 read as follows:

15 Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. A
16 person is disqualified to serve as a petit juror unless the person:

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

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

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

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

23 (5) is able to read and write;

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

27 (7) has not been convicted of [~~misdemeanor theft or~~] a

1 felony; and

2 (8) is not under indictment or other legal accusation
3 for [~~misdemeanor theft or~~] a felony.

4 SECTION 4. The changes in law made by this Act apply only to
5 qualifications for jury service for a person required to appear for
6 jury service by a summons made on or after September 1, 2009. The
7 qualifications of a person required to appear for jury service
8 before September 1, 2009, are covered by the law in effect on the
9 date the summons is made, and the former law is continued in effect
10 for that purpose.

11 SECTION 5. This Act takes effect September 1, 2009.