

By: Deshotel

H.B. No. 3078

A BILL TO BE ENTITLED

AN ACT

relating to the racial distribution of members of jury panels.

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

SECTION 1. Section 62.004, Government Code, is amended by adding Subsection (g) to read as follows:

(g) A party may request that a jury list that is not racially or ethnically representative of the community according to the most recent federal decennial census be discarded or reorganized in order to make it more likely that a panel selected from the list is racially and ethnically representative of the community.

SECTION 2. Section 62.011(b), 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

1 selecting names of persons for jury service with the aid of
2 electronic or mechanical equipment;

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

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

9 (6) provide that a panel be racially and ethnically
10 representative of the community according to the most recent
11 federal decennial census and provide for a panel replacement
12 procedure if the panel is not representative and a party requests
13 that it be representative.

14 SECTION 3. Section 62.0132, Government Code, is amended by
15 adding Subsection (h) to read as follows:

16 (h) The information in a completed questionnaire for a
17 potential juror in a litigant's trial shall be made available to a
18 litigant or litigant's attorney not later than three days before a
19 trial begins.

20 SECTION 4. The change in law made by this Act applies only
21 to a proceeding that commences on or after the effective date of
22 this Act. A proceeding that commences before the effective date of
23 this Act is governed by the law in effect when the proceeding
24 commenced, and the former law is continued in effect for that
25 purpose.

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