

By: Wentworth

S.B. No. 445

A BILL TO BE ENTITLED

AN ACT

relating to juror questions and juror note-taking during civil trials.

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

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

CHAPTER 25. CIVIL JURY TRIAL PROCEDURES

Sec. 25.001. SUPREME COURT TO MAKE RULES. The supreme court shall 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) The rules promulgated by the supreme court must 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) The rules must provide that:

(1) juror questions must be submitted anonymously and before jury deliberations begin;

(2) counsel for each party will be given an opportunity, out of the presence of the jury and witnesses, to object to the questions;

(3) juror questions are required to be read by the court verbatim;

1           (4) a witness may be recalled to the stand to answer a  
2 juror question;

3           (5) juror questions will be answered orally in open  
4 court and made part of the record;

5           (6) counsel for each party will be given an  
6 opportunity to cross-examine witnesses after a juror question; and

7           (7) the court may, for good cause, prohibit or limit  
8 the submission of questions to witnesses.

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

12           (b) The rules must provide that:

13           (1) the court is required to provide materials to  
14 jurors for note-taking;

15           (2) a juror is required to turn in the notes to the  
16 bailiff at the end of each day of court;

17           (3) after closing arguments are presented, the bailiff  
18 or clerk is required to collect and destroy the notes; and

19           (4) the notes are confidential and may not be included  
20 in the record of the trial.

21           (c) Notes taken by a juror during trial, as provided by this  
22 section, may not be taken by the juror into the jury room.

23           SECTION 2. Chapter 25, Civil Practice and Remedies Code, as  
24 added by this Act, applies to a case in which a jury is sworn on or  
25 after the effective date of this Act, without regard to whether the  
26 case commenced before, on, or after that date.

27           SECTION 3. This Act takes effect September 1, 2009.