

1-1 By: Wentworth S.B. No. 445
1-2 (In the Senate - Filed January 9, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 2, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 2, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 445 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to juror questions and juror note-taking during civil
1-11 trials.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle B, Title 2, Civil Practice and Remedies
1-14 Code, is amended by adding Chapter 25 to read as follows:

1-15 CHAPTER 25. CIVIL JURY TRIAL PROCEDURES

1-16 Sec. 25.001. SUPREME COURT TO MAKE RULES. The supreme court
1-17 shall promulgate rules relating to jury procedures for civil trials
1-18 in this state in accordance with the guidelines provided by this
1-19 chapter.

1-20 Sec. 25.002. SUBMISSION OF WRITTEN QUESTIONS. (a) The
1-21 rules promulgated by the supreme court must require a court to
1-22 permit jurors in a civil trial to submit to the court written
1-23 questions directed to a witness or to the court as provided by this
1-24 section.

1-25 (b) The rules must provide that:

1-26 (1) juror questions must be submitted anonymously and
1-27 before jury deliberations begin;

1-28 (2) counsel for each party will be given an
1-29 opportunity, out of the presence of the jury and witnesses, to
1-30 object to the questions;

1-31 (3) juror questions are required to be read by the
1-32 court verbatim;

1-33 (4) juror questions will be answered orally in open
1-34 court and made part of the record;

1-35 (5) counsel for each party will be given an
1-36 opportunity to cross-examine witnesses after a juror question; and

1-37 (6) the court may, for good cause, prohibit or limit
1-38 the submission of questions to witnesses.

1-39 Sec. 25.003. NOTE-TAKING BY JURORS. (a) The rules
1-40 promulgated by the supreme court must allow jurors in a civil trial
1-41 to take notes regarding the evidence during trial.

1-42 (b) The rules must provide that:

1-43 (1) the court is required to provide materials to
1-44 jurors for note-taking;

1-45 (2) a juror is required to turn in the notes to the
1-46 bailiff at the end of each day of court;

1-47 (3) after closing arguments are presented, the bailiff
1-48 or clerk is required to collect and destroy the notes; and

1-49 (4) the notes are confidential and may not be included
1-50 in the record of the trial.

1-51 (c) Notes taken by a juror during trial, as provided by this
1-52 section, may not be taken by the juror into the jury room.

1-53 SECTION 2. Chapter 25, Civil Practice and Remedies Code, as
1-54 added by this Act, applies to a case in which a jury is sworn on or
1-55 after the effective date of this Act, without regard to whether the
1-56 case commenced before, on, or after that date.

1-57 SECTION 3. This Act takes effect September 1, 2009.

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