

By: Wentworth

S.B. No. 1070

A BILL TO BE ENTITLED

AN ACT

relating to jury assembly and administration.

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

SECTION 1. The heading to Section 62.001, Government Code, is amended to read as follows:

Sec. 62.001. JURY SOURCE; MASTER JURY LIST [~~RECONSTITUTION OF JURY WHEEL~~].

SECTION 2. Sections 62.001(a), (b), (c), (f), and (g), Government Code, are amended to read as follows:

(a) The secretary of state shall compile a master jury list for each county [~~wheel must be reconstituted by~~] using, as the source:

(1) the names of all persons on the current voter registration lists from all the precincts in the county; and

(2) all names on a current list to be furnished by the Department of Public Safety, showing the citizens of the county who:

(A) hold a valid Texas driver's license or a valid personal identification card or certificate issued by the department; and

(B) are not disqualified from jury service under Section 62.102(1), (2), or (7).

(b) Notwithstanding Subsection (a), the names of persons listed on a register of persons exempt from jury service may not be

placed in the master jury list ~~[wheel]~~, as provided by Sections 62.108 and 62.109.

(c) On or before the first Monday in January, April, July, and October of each year ~~[Each year not later than the third Tuesday in November or the date provided by Section 16.032, Election Code, for the cancellation of voter registrations, whichever is earlier]~~, the voter registrar of each county shall furnish to the secretary of state in an electronic, downloadable format a current voter registration list from all the precincts in the county that, except as provided by Subsection (d), includes:

(1) the complete name, mailing address, date of birth, voter registration number, and precinct number for each voter;

(2) if available, the Texas driver's license number or personal identification card or certificate number and social security number for each voter; and

(3) any other information included on the voter registration list of the county.

(f) Each Monday the clerk of each court in the county shall send to the secretary of state a list that includes the name of each person who has served as a petit juror in that county during the previous week and whose name should be removed from the master jury list. The secretary of state shall remove each name from the master jury list under this section. The secretary of state shall return the name to the list on the Monday following the second anniversary of the date the name was removed, except that the name shall be returned to the master jury list earlier or later than that date, as appropriate, if the supreme court has approved a county plan

authorizing a different amount of time for exemption from service
as a petit juror in that county by a person who has previously
served on a jury. For purposes of this section, each county shall
determine when a person is considered to have served on a jury.
~~[The Department of Public Safety shall furnish a list to the~~
~~secretary of state that shows the names required under Subsection~~
~~(a)(2) and that contains any of the information enumerated in~~
~~Subsection (c) that is available to the department, including~~
~~citizenship status and county of residence. The list shall exclude~~
~~the names of convicted felons, persons who are not citizens of the~~
~~United States, persons residing outside the county, and the~~
~~duplicate name of any registrant. The department shall furnish the~~
~~list to the secretary of state on or before the first Monday in~~
~~October of each year.]~~

(g) The secretary of state shall accept the lists furnished
as provided by Subsections (c) through (f). The secretary of state
shall combine the lists and update the master jury list by
eliminating ~~[, eliminate]~~ duplicate names, removing the names of
convicted felons, deceased persons, and persons no longer residing
in the county, and adding the names of persons qualified to serve as
a petit juror that are not currently on the list. The secretary of
state shall make ~~[and send]~~ the combined list available to each
county in an electronic, downloadable format not later than the
second Monday in January, April, July, and October ~~[on or before~~
~~December 31]~~ of each year ~~[or as may be required under a plan~~
~~developed in accordance with Section 62.011. The district clerk of~~
~~a county that has adopted a plan under Section 62.011 shall give the~~

~~secretary of state notice not later than the 90th day before the date the list is required]. The master jury list [furnished the county must be in a format, electronic or printed copy, as requested by the county and] must be certified by the secretary of state stating that the list contains the names required by Subsections (c) through (f)[, ~~eliminating duplications~~]. The secretary of state shall furnish the list free of charge.~~

SECTION 3. Subchapter A, Chapter 62, Government Code, is amended by adding Section 62.0011 to read as follows:

Sec. 62.0011. SUPREME COURT RULES. (a) The supreme court shall adopt rules to govern the use of the master jury list and the administration of jury panels, including procedures for:

- (1) obtaining the master jury list from the secretary of state;
- (2) the drawing of names for jury lists;
- (3) the issuance of juror summonses;
- (4) answering a juror summons;
- (5) the scheduling and rescheduling of jurors; and
- (6) the selection of a jury panel.

(b) The supreme court may adopt rules that allow the adoption of a written jury plan for a county. The rules must specify which procedures specified by rules adopted under Subsection (a) must be uniform throughout this state, and which procedures may vary between counties based on a county's jury plan.

(c) A jury plan adopted for a county must be approved by the supreme court. The jury plan may address, subject to Subsection (a):

1 (1) the timing and frequency of the issuance of juror
2 summonses;

3 (2) the number of jurors that may be summoned;

4 (3) the manner by which a juror may be rescheduled;

5 (4) the manner by which the name of a rescheduled juror
6 is mixed into a jury list;

7 (5) the process by which panels are formed and
8 assigned to courts;

9 (6) whether jurors may be summoned to one central
10 location or to individual courts;

11 (7) the identity and number of persons responsible
12 for juror orientation;

13 (8) the procedure for juror orientation;

14 (9) the identity and number of persons responsible for
15 decisions on qualifications, exemptions, and rescheduling;

16 (10) the procedure for making decisions on juror
17 qualifications, exemptions, and rescheduling;

18 (11) the procedure for enhancing the accuracy of the
19 list of persons available for assignment to a jury list;

20 (12) whether a juror may be assigned for more than one
21 day or one trial, and the process for making that assignment;

22 (13) whether a juror may be immediately reassigned to
23 another trial after the juror has been eliminated due to a for-cause
24 or peremptory challenge, and the process for making the assignment;

25 (14) the manner in which the Internet may be used for
26 juror communications and rescheduling;

27 (15) special procedures for death-qualified capital

1 cases;

2 (16) whether justice of the peace or municipal courts
3 may use jurors that have been summoned by the county;

4 (17) when litigants or attorneys may be informed of
5 who has been summoned for jury duty; and

6 (18) any other matter the supreme court determines
7 needs to be addressed by a county for the efficient administration
8 of the jury assembly process.

9 SECTION 4. Section 62.019(d), Government Code, is amended
10 to read as follows:

11 (d) The bailiffs and assistant and deputy bailiffs
12 appointed by the district judges shall take care of the general
13 panel and perform the duties in connection with the supervision of
14 the central jury room and the general panel that are required by the
15 district judges. They may notify prospective jurors whose names
16 are drawn from the master jury list ~~[wheel]~~ or selected by other
17 means provided by law to appear for jury service and may serve
18 notices on absent jurors as directed by the district judge having
19 control of the general jury panel.

20 SECTION 5. Section 62.106, Government Code, is amended to
21 read as follows:

22 Sec. 62.106. EXEMPTION FROM JURY SERVICE. ~~[(a)]~~ A person
23 qualified to serve as a petit juror may establish an exemption from
24 jury service if the person:

25 (1) is over 70 years of age;

26 (2) has legal custody of a child younger than 10 years
27 of age and the person's service on the jury requires leaving the

child without adequate supervision;

(3) is a student of a public or private secondary school;

(4) is a person enrolled and in actual attendance at an institution of higher education;

(5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;

~~(6) [is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service,~~

~~[(7)]~~ is the primary caretaker of a person who is an invalid unable to care for himself; or

(7) ~~[(8) except as provided by Subsection (b), is summoned for service in a county with a population of at least 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service, or~~

~~[(9)]~~ is a member of the United States military forces serving on active duty and deployed to a location away from the person's home station and out of the person's county of residence.

~~[(b) Subsection (a)(8) does not apply if the jury wheel in the county has been reconstituted after the date the person served~~

1 ~~as a petit juror.]~~

2 SECTION 6. Section 62.107(b), Government Code, is amended
3 to read as follows:

4 (b) A person may also claim an exemption from jury service
5 under Section 62.106 by filing with the sheriff, tax
6 assessor-collector, or district or county clerk of the county of
7 the person's ~~[his]~~ residence a sworn statement that sets forth the
8 ground of and claims the exemption. The name of a person who claims
9 an ~~[his]~~ exemption by filing the sworn statement may not be placed
10 on ~~[in]~~ the master jury list ~~[wheel]~~ for the ensuing year.

11 SECTION 7. Section 62.108(d), Government Code, is amended
12 to read as follows:

13 (d) The name of a person on the register of persons
14 permanently exempt from jury service may not be placed on ~~[in]~~ the
15 master jury list ~~[wheel]~~ or otherwise used in preparing the record
16 of names from which a jury is selected.

17 SECTION 8. Section 62.109(d), Government Code, is amended
18 to read as follows:

19 (d) A person listed on the register may not be summoned for
20 jury service during the period for which the person is exempt. The
21 name of a person listed on the register may not be placed on ~~[in]~~ the
22 master jury list ~~[wheel]~~ or otherwise used in preparing the record
23 of names from which a jury list is selected during the period for
24 which the person is exempt.

25 SECTION 9. Section 62.110(b), Government Code, is amended
26 to read as follows:

27 (b) Pursuant to a plan approved by the commissioners court

1 of the county [~~in the same manner as a plan is approved for jury~~
2 ~~selection under Section 62.011~~], the court's designee may:

3 (1) hear any reasonable excuse of a prospective juror,
4 including any claim of an exemption or a lack of qualification; and

5 (2) discharge the juror or release the juror [~~him~~]
6 from jury service until a specified day of the term, as appropriate,
7 if:

8 (A) the excuse is considered sufficient; and

9 (B) the juror submits to the court's designee a
10 statement of the ground of the exemption or lack of qualification or
11 other excuse.

12 SECTION 10. Sections 62.302(a) and (c), Government Code,
13 are amended to read as follows:

14 (a) The county judge or a judge of a county court at law may
15 order the drawing of names from the master jury list [~~wheel~~] if the
16 judge considers the number of prospective jurors already drawn to
17 be insufficient or if an interchangeable general jury panel is not
18 drawn as provided by rules adopted by the supreme court or a jury
19 plan approved by the supreme court [~~Section 62.016, 62.017, or~~
20 ~~62.0175~~].

21 (c) The county judge and a judge of a county court at law
22 concurrently have the same power to determine and remedy a
23 deficiency in the number of prospective jurors as the district
24 judge designated to control a general jury panel as provided by
25 rules adopted by the supreme court or a jury plan approved by the
26 supreme court [~~Section 62.016, 62.017, or 62.0175. Except as~~
27 ~~otherwise provided by this section, the applicable general~~

1 ~~provisions in Subchapter A that govern the drawing of names of~~
2 ~~prospective jurors by the district judge govern the drawing of~~
3 ~~names under this section].~~

4 SECTION 11. Sections 62.412(a) and (c), Government Code,
5 are amended to read as follows:

6 (a) A county that uses interchangeable juries [~~under~~
7 ~~Section 62.016~~] may summon a prospective juror to report directly
8 to a justice court in the precinct in which that person resides.

9 (c) A justice of the peace may command the sheriff or
10 constable to immediately summon additional persons for jury service
11 in the justice court if the number of qualified jurors [~~, including~~
12 ~~persons summoned under Section 62.016,~~] is less than the number
13 necessary for the justice court to conduct its proceedings.

14 SECTION 12. Articles 34.02 and 34.03, Code of Criminal
15 Procedure, are amended to read as follows:

16 Art. 34.02. ADDITIONAL NAMES DRAWN. In any criminal case in
17 which the court deems that the veniremen theretofore drawn will be
18 insufficient for the trial of the case, or in any criminal case in
19 which the venire has been exhausted by challenge or otherwise, the
20 court shall order additional veniremen in such numbers as the court
21 may deem advisable, to be summoned as follows:

22 (a) In a master jury list [~~wheel~~] county, the names of those
23 to be summoned shall be drawn from the master jury list [~~wheel~~].

24 (b) In counties not using the master jury list [~~wheel~~], the
25 veniremen shall be summoned by the sheriff.

26 Art. 34.03. INSTRUCTIONS TO SHERIFF. When the sheriff is
27 ordered by the court to summon persons upon a special venire whose

names have not been selected under the master jury list [~~Jury Wheel Law~~], the court shall, in every case, caution and direct the sheriff to summon such persons as have legal qualifications to serve on juries, informing him of what those qualifications are, and shall direct him, as far as he may be able to summon persons of good character who can read and write, and such as are not prejudiced against the defendant or biased in his favor, if he knows of such bias or prejudice.

SECTION 13. (a) The following sections of the Government Code are repealed:

- (1) Section 25.2422(k);
- (2) Sections 62.001(h), (i), (j), and (k);
- (3) Section 62.002;
- (4) Section 62.003;
- (5) Section 62.004;
- (6) Section 62.005;
- (7) Section 62.006;
- (8) Section 62.007;
- (9) Section 62.008;
- (10) Section 62.009;
- (11) Section 62.010;
- (12) Section 62.011;
- (13) Section 62.0111;
- (14) Section 62.012;
- (15) Section 62.013;
- (16) Section 62.014;
- (17) Section 62.0142;

- (18) Section 62.0143;
- (19) Section 62.0144;
- (20) Section 62.0145;
- (21) Section 62.0146;
- (22) Section 62.015;
- (23) Section 62.016;
- (24) Section 62.017;
- (25) Section 62.0175;
- (26) Section 62.018; and
- (27) Section 62.021.

(b) The following articles of the Code of Criminal Procedure are repealed:

- (1) Article 35.03;
- (2) Article 35.04;
- (3) Article 35.05;
- (4) Article 35.11; and
- (5) Article 35.12.

SECTION 14. Not later than December 1, 2009, the Texas Supreme Court shall adopt rules as required by Section 62.0011, Government Code, as added by this Act, to take effect January 1, 2010.

SECTION 15. The change in law made by this Act applies only to a person summoned to appear for jury service who is required to appear on or after January 1, 2010. A person summoned to appear for jury service who is required to appear before January 1, 2010, is governed by the law in effect on the date the person is required to appear, and the former law is continued in effect for that purpose.

1 SECTION 16. (a) Except as provided by Subsection (b) of
2 this section, this Act takes effect January 1, 2010.

3 (b) Sections 3 and 14 of this Act and this section take
4 effect September 1, 2009.