

BILL ANALYSIS

Senate Research Center
82R9215 CAE-D

H.B. 1633
By: Bonnen et al. (Huffman)
Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, qualifications for jury service include the ability to read and write. However, the law does not explicitly state that a person must be able to read and write in the English language.

The Constitutions of the United States and Texas guarantee all people the right to trial by a fair and impartial jury. Justice depends on the ability of jurors to comprehend complex testimony and facts that are largely relayed in English, unless specifically requested by a party involved in the case.

H.B. 1633 addresses this issue by amending the Code of Criminal Procedure to add the requirement that person be able to read and write in English to the list of "challenge for cause" objections that can be made to an individual juror. The bill also amends the Code of Criminal Procedure to state that the ability to read and write in English is also a required qualification for service as a petit juror.

H.B. 1633 amends current law relating to a person's ability to read and write in English as a qualification for service as a petit juror.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 35.16(a), Code of Criminal Procedure, as follows:

- (a) Provides that a challenge for cause is an objection made to a particular juror, alleging some fact which renders the juror incapable or unfit to serve on the jury. Authorizes a challenge for cause to be made by either the state or the defense for any one of certain reasons, including that the juror cannot read or write English.

SECTION 2. Amends Section 62.102, Government Code, to provide that a person is disqualified to serve as a petit juror unless the person meets certain qualifications, including being able to read and write English.

SECTION 3. Amends Section 62.103(a), Government Code, to authorize a court to suspend the qualification for jury service that requires a person to be able to read and write English if it appears to the court that the requisite number of jurors able to read and write English cannot be found in the county.

SECTION 4. Amends the heading to Section 62.109, Government Code, to read as follows:

Sec. 62.109. EXEMPTION FOR PHYSICAL OR MENTAL IMPAIRMENT.

SECTION 5. Amends Sections 62.109(a), (b), and (f), Government Code, as follows:

(a) Authorizes the judge of a district court by order to permanently or for a specified period exempt from service as a juror in all the county and district courts in the county a person with a physical or mental impairment, rather than a person with a physical or mental impairment or with an inability to comprehend or communicate in the English language, that makes it impossible or very difficult for the person to serve on a jury.

(b) Requires a person requesting an exemption under this section, at the time the person is summoned for jury service or at any other time, to submit to the court an affidavit stating the person's name and address and the reason for and the duration of the requested exemption, and attach to the affidavit a statement from a physician, rather than requires a person requesting an exemption under this section to submit to the court an affidavit stating the person's name and address and the reason for and the duration of the requested exemption. Deletes existing text requiring a person requesting an exemption due to a physical or mental impairment to attach to the affidavit a statement from a physician; and authorizing the affidavit and physician's statement to be submitted to the court at the time the person is summoned for jury service or at any other time.

(f) Authorizes an affidavit accompanying a request for an exemption from jury service under this section, rather than requesting an exemption because of a physical or mental impairment, to be presented by the affiant or by a friend or relative of the affiant.

SECTION 6. Repealer: Section 62.109(g) (relating to requiring that an affidavit accompanying a request for an exemption from jury service because of an inability to comprehend or communicate in the English language be presented by the affiant in person), Government Code.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2011.