

BILL ANALYSIS

H.B. 1633
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, qualifications for jury service include the ability to read and write. However, the law does not explicitly state that a person must read and write in the English language. The United States and Texas Constitutions guarantee all people the right to trial by a fair and impartial jury. Justice, therefore, largely depends on the ability of jurors to comprehend complex testimony and facts that are relayed in English, unless specifically requested by a party involved in the case. H.B. 1633 addresses this issue by requiring a person to be able to read and write in English as a qualification for service as a petit juror, with certain exceptions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1633 amends the Government Code to specify that the general qualification for petit jury service requiring a person to be able to read and write applies to the person's ability to read and write English. The bill specifies that a court's authority to suspend the qualification requiring a person to be able to read and write on the basis of the court being unable to find in the county the requisite number of so qualified jurors applies to a person's ability to read and write English.

H.B. 1633 amends the Code of Criminal Procedure to specify that a challenge for cause alleging that a juror is incapable or unfit to serve on a petit jury on the basis that the juror cannot read or write applies to the juror's inability to read or write English.

H.B. 1633 repeals Section 62.109(g), Government Code, relating to an affidavit accompanying a request for an exemption from petit jury service because of an inability to comprehend or communicate in the English language and makes related conforming changes.

EFFECTIVE DATE

September 1, 2011.