

Amend HB 2150 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. APPOINTMENT OF GRAND JURY [~~COMMISSIONERS, SELECTION WITHOUT JURY COMMISSION~~]. [~~(a)~~] The [~~district judge, at or during any term of court, shall appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. Such commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they shall possess the following qualifications:~~

[~~1. Be intelligent citizens of the county and able to read and write the English language;~~

[~~2. Be qualified jurors in the county;~~

[~~3. Have no suit in said court which requires intervention of a jury;~~

[~~4. Be residents of different portions of the county;~~
and

[~~5. The same person shall not act as jury commissioner more than once in any 12-month period.~~

[~~(b) In lieu of the selection of prospective jurors by means of a jury commission, the~~] district judge shall [~~may~~] direct that 20 to 125 prospective grand jurors be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury [~~in the same manner~~] as provided by this chapter [~~for grand jurors selected by a jury commission~~].

SECTION _____. Article 19.07, Code of Criminal Procedure, is amended to read as follows:

Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND

JURORS SHALL SIT. If prior to the expiration of the term for which the grand jury was impaneled, it is made to appear by a declaration of the foreman or of a majority of the grand jurors in open court, that the investigation by the grand jury of the matters before it cannot be concluded before the expiration of the term, the judge of the district court in which said grand jury was impaneled may, by the entry of an order on the minutes of said court, extend, from time to time, for the purpose of concluding the investigation of matters then before it, the period during which said grand jury shall sit, for not to exceed a total of ninety days after the expiration of the term for which it was impaneled, and all indictments pertaining thereto returned by the grand jury within said extended period shall be as valid as if returned before the expiration of the term. ~~[The extension of the term of a grand jury under this article does not affect the provisions of Article 19.06 relating to the selection and summoning of grand jurors for each regularly scheduled term.]~~

SECTION _____. Article 19.08, Code of Criminal Procedure, is amended to read as follows:

Art. 19.08. QUALIFICATIONS. No person shall be selected or serve as a grand juror who does not possess the following qualifications:

1. The person must be a citizen of the state, and of the county in which the person is to serve, and be qualified under the Constitution and laws to vote in said county, provided that the person's failure to register to vote shall not be held to disqualify the person in this instance;

2. The person must be of sound mind and good moral character;

3. The person must be able to read and write;

4. The person must not have been convicted of misdemeanor theft or a felony;

5. The person must not be under indictment or other legal accusation for misdemeanor theft or a felony;

6. The person must not be related within the third degree of consanguinity or second degree of affinity, as determined under Chapter 573, Government Code, to any person selected to serve

or serving on the same grand jury;

7. The person must not have served as grand juror [~~or jury commissioner~~] in the year before the date on which the term of court for which the person has been selected as grand juror begins; and

8. The person must not be a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected as a grand juror.

SECTION _____. Article 19.19, Code of Criminal Procedure, is amended to read as follows:

Art. 19.19. JURORS TO ATTEND FORTHWITH. The jurors provided for in Article 19.18 [~~the two preceding Articles~~] shall be summoned in person to attend before the court forthwith.

SECTION _____. Article 19.20, Code of Criminal Procedure, is amended to read as follows:

Art. 19.20. TO SUMMON QUALIFIED PERSONS. On [~~Upon~~] directing the sheriff to summon grand jurors [~~not selected by the jury commissioners~~], the court shall instruct the sheriff [~~him~~] that the sheriff [~~he~~] must not summon any [~~no~~] person to serve as a grand juror who does not possess the qualifications prescribed by law.

SECTION _____. Article 19.30, Code of Criminal Procedure, is amended to read as follows:

Art. 19.30. CHALLENGE TO "ARRAY". A challenge to the "array" shall be made in writing for these causes only:

1. That those summoned as grand jurors are not in fact those selected by the method provided by Article 19.01 [~~19.01(b) of this chapter or by the jury commissioners~~]; and

2. That [~~In case of grand jurors summoned by order of the court, that~~] the officer who summoned the grand jurors [~~them~~ ~~had~~] acted corruptly in summoning any one or more of them.

SECTION _____. Section 24.014(b), Government Code, is amended to read as follows:

(b) The judge may impanel [~~appoint jury commissioners who select and draw~~] grand and petit jurors as provided by law. The jurors may be summoned to appear before the court at the time designated by the judge.

SECTION _____. Section 24.135(c), Government Code, is amended to read as follows:

(c) The judge of the 33rd District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 33rd District Court may alternate the drawing of grand juries with the judge of any other district court in each county within the 33rd Judicial District and may order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Indictments within each county may be returned to either court within that county.

SECTION _____. Section 24.377(b), Government Code, is amended to read as follows:

(b) The judge of the 198th District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 198th District Court may alternate the drawing of grand juries with the judge of any other district court in each county within the judge's district and may order grand and petit juries to be drawn for any term of the judge's court as in the judge's judgment is necessary, by an order entered in the minutes of the court. Indictments within each county may be returned to either court within that county.

SECTION _____. Section 24.396(b), Government Code, is amended to read as follows:

(b) The judge of the 218th District Court may [~~select grand jury commissioners and~~] impanel grand juries in each county in the district but is not required to impanel a grand jury in any county except when the judge [~~he~~] considers it necessary. The judge may alternate the impaneling of grand juries in each county with the judge of any other district court in that county, or the judges may by agreement determine which one of the courts will impanel the grand juries. Indictments within each county may be returned to any district court within that county. All grand and petit juries drawn for one district court in each county are interchangeable with any other district court in that county as if the jury had been drawn for the court in which it is used.

SECTION _____. Section 24.487(b), Government Code, is

amended to read as follows:

(b) The judge of the 341st District Court may [~~select jury commissioners and~~] impanel grand juries in Webb County. The judge of the 341st District Court may alternate the drawing of grand juries with the judge of any other district court in the county. By order entered on the minutes, for any term that the judge considers it necessary, the judge may order grand and petit juries to be drawn.

SECTION _____. Section 24.568(d), Government Code, is amended to read as follows:

(d) The judge of the 424th District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 424th District Court may alternate the drawing of grand juries with the judge of any other district court in each county within the 424th Judicial District and may order grand and petit juries to be drawn for any term of the court as the judge determines is necessary, by an order entered in the minutes of the court. Indictments within each county may be returned to either court within that county.

SECTION _____. Section 24.596(b), Government Code, is amended to read as follows:

(b) The judge of the 452nd District Court may [~~select jury commissioners and~~] impanel grand juries in each county. The judge of the 452nd District Court may order grand and petit juries to be drawn for any term of the judge's court as in the judge's judgment is necessary, by an order entered in the minutes of the court.

SECTION _____. The heading to Section 402.024, Government Code, is amended to read as follows:

Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY[~~, GRAND JURY COMMISSIONER,~~] OR GRAND JUROR.

SECTION _____. Section 402.024(b), Government Code, is amended to read as follows:

(b) The attorney general shall defend a state [~~grand jury commissioner or~~] grand juror who is a defendant in an action in any court if:

(1) the suit involves an act of the person while in the performance of duties as a [~~grand jury commissioner or~~] grand

juror; and

(2) the person requests the attorney general's assistance in the defense.

SECTION _____. The following provisions are repealed:

(1) Articles 19.02, 19.03, 19.04, 19.05, 19.06, 19.09, 19.10, 19.11, 19.12, 19.13, 19.14, 19.15, and 19.17, Code of Criminal Procedure; and

(2) Section 24.014(c), Government Code.

SECTION _____. Section 402.024(b), Government Code, as amended by this Act, applies only to a court action arising from an act of a person that occurs on or after the effective date of this Act. A court action arising from an act of a person that occurred before the effective date of this Act is governed by the law in effect on the date the act occurred, and the former law is continued in effect for that purpose.