

Amend SB 135 (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. METHODS OF APPOINTMENT OF GRAND JURY [~~COMMISSIONERS, SELECTION WITHOUT JURY COMMISSION~~]. (a) Except as provided by Subsection (b), a grand jury may only be appointed by a district judge directing 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 under Subchapter A, Chapter 62, Government Code. The judge shall try the qualifications for and excuses from service of a grand juror selected under this subsection and impanel the completed grand jury in the same manner as provided by this chapter for grand jurors selected by a jury commission.

(b) On a written finding by the district judge of specific circumstances that result in the method of appointing the grand jury under Subsection (a) being inadequate, the [~~The~~] district judge, at or during any term of court, may [~~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. The [~~Such~~] commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they must [~~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 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 for grand jurors selected by a jury commission.]~~

SECTION 2. Article 19.23, Code of Criminal Procedure, is amended to read as follows:

Art. 19.23. MODE OF TEST. In trying the qualifications of any person to serve as a grand juror, the person ~~[he]~~ shall be asked:

1. Are you a citizen of this state and county, and qualified to vote in this county, under the Constitution and laws of this state?

2. Are you able to read and write?

3. Have you ever been convicted of misdemeanor theft or of any ~~[a]~~ felony?

4. Are you under indictment or other legal accusation for misdemeanor theft or for any felony?

SECTION 3. Article 19.26, Code of Criminal Procedure, is amended to read as follows:

Art. 19.26. JURY IMPANELED. (a) When at least fourteen qualified jurors are found to be present, the court shall select twelve fair and impartial persons to serve as grand jurors and two additional persons to serve as alternate grand jurors.

(b) The court shall proceed to impanel the grand jury, unless a challenge is made, which may be to the array or to any particular person presented to serve as a grand juror or an alternate.

~~[(b) The grand jury is composed of not more than twelve qualified jurors.]~~ In addition, the court shall ~~[qualify and]~~ impanel ~~[not more than]~~ two alternates to serve on disqualification or unavailability of a juror during the term of the grand jury. On learning that a grand juror has become disqualified or unavailable during the term of the grand jury, the attorney representing the

state shall prepare an order for the court identifying the disqualified or unavailable juror, stating the basis for the disqualification or unavailability, dismissing the disqualified or unavailable juror from the grand jury, and naming one of the alternates as a member of the grand jury. The procedure established by this subsection may be used on disqualification or unavailability of a second grand juror during the term of the grand jury. For purposes of this subsection, a juror is unavailable if the juror is unable to participate fully in the duties of the grand jury because of the death of the juror, ~~or~~ a physical or mental illness of the juror, or any other reason the court determines constitutes good cause for dismissing the juror.

SECTION 4. 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(a) [~~19.01(b)~~] of this chapter or by the jury commissioners; and

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

SECTION 5. This Act applies only to a grand jury for which the term of the grand jury commences on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2015.