



15 MAY -7 PM 8:50
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

Dutton

1 Amend C.S.H.B. No. 282 (house committee printing) by
2 striking all below the enacting clause and substituting the
3 following:

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

6 Art. 19.01. METHODS OF APPOINTMENT OF GRAND JURY
7 [COMMISSIONERS, SELECTION WITHOUT JURY COMMISSION]. (a) Except as
8 provided by Subsection (b), a grand jury may only be appointed by a
9 district judge directing that 20 to 125 prospective grand jurors be
10 selected and summoned, with return on summons, in the same manner as
11 for the selection and summons of panels for the trial of civil cases
12 in the district courts under Subchapter A, Chapter 62, Government
13 Code. The judge shall try the qualifications for and excuses from
14 service of a grand juror selected under this subsection and impanel
15 the completed grand jury in the same manner as provided by this
16 chapter for grand jurors selected by a jury commission.

17 (b) On a written finding by the district judge of specific
18 circumstances that result in the method of appointing the grand
19 jury under Subsection (a) being inadequate, the [The] district
20 judge, at or during any term of court, may [shall] appoint not less
21 than three, nor more than five persons to perform the duties of jury
22 commissioners, and shall cause the sheriff to notify them of their
23 appointment, and when and where they are to appear. The district
24 judge shall, in the order appointing such commissioners, designate
25 whether such commissioners shall serve during the term at which
26 selected or for the next succeeding term. The [Such] commissioners
27 shall receive as compensation for each day or part thereof they may
28 serve the sum of Ten Dollars, and they must [shall] possess the
29 following qualifications:

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

3 2. Be qualified jurors in the county;

4 3. Have no suit in said court which requires intervention of
5 a jury;

6 4. Be residents of different portions of the county; and

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

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

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

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

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

25 2. Are you able to read and write?

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

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

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

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

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

9 ~~[(b) The grand jury is composed of not more than twelve~~
10 ~~qualified jurors.]~~ In addition, the court shall ~~[qualify and]~~
11 impanel ~~[not more than]~~ two alternates to serve on disqualification
12 or unavailability of a juror during the term of the grand jury. On
13 learning that a grand juror has become disqualified or unavailable
14 during the term of the grand jury, the attorney representing the
15 state shall prepare an order for the court identifying the
16 disqualified or unavailable juror, stating the basis for the
17 disqualification or unavailability, dismissing the disqualified or
18 unavailable juror from the grand jury, and naming one of the
19 alternates as a member of the grand jury. The procedure established
20 by this subsection may be used on disqualification or
21 unavailability of a second grand juror during the term of the grand
22 jury. For purposes of this subsection, a juror is unavailable if
23 the juror is unable to participate fully in the duties of the grand
24 jury because of the death of the juror, ~~[or]~~ a physical or mental
25 illness of the juror, or any other reason the court determines
26 constitutes good cause for dismissing the juror.

27 SECTION 4. Article 19.30, Code of Criminal Procedure, is
28 amended to read as follows:

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

31 1. That those summoned as grand jurors are not in fact those

1 selected by the method provided by Article 19.01(a) [~~19.01(b)~~] of
2 this chapter or by the jury commissioners; and

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

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

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