



15 MAY 21 01:08
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Clardy

1 Amend S.B. No. 824 (house committee report) as follows:

2 (1) On page 2, lines 3 and 4, between "the" and "amount"
3 insert "constitution or other law requires the jury to be composed
4 of 12 members or the".

5 (2) On page 2, line 6, strike "a jury composed of six
6 members" and substitute "the trial of a particular case with a jury
7 of fewer than 12 members".

8 (3) On page 2, line 24, strike "unless required by law".

9 (4) On page 3, line 2, strike "Except as provided by Section
10 25.0007(c), in [~~In~~]" and substitute "In".

11 (5) On page 3, line 4, strike "and with the consent of the
12 judge" and substitute "~~[and with the consent of the judge]~~".

13 (6) On page 3, strike lines 8 through 15, and renumber
14 subsequent SECTIONS of the bill.

15 (7) On page 3, line 27, strike "September 1, 2015" and
16 substitute "January 1, 2016".

17 (8) Add the following appropriately numbered SECTIONS to
18 the bill and renumber subsequent SECTIONS of the bill accordingly:

19 SECTION _____. Section 25.0102(h), Government Code, is
20 amended to read as follows:

21 (h) If a family law case or proceeding is tried before a
22 jury, the jury shall be composed of 12 members; in all other cases
23 the jury shall be composed of six members unless the constitution or
24 other law requires the jury to be composed of 12 members.

25 SECTION _____. Section 25.0222(m), Government Code, is
26 amended to read as follows:

27 (m) When a jury trial is requested in a case of concurrent
28 jurisdiction between the district courts and statutory county
29 courts, and the case was instituted in district court, the jury

1 shall be composed of 12 members. In all other cases in which a jury
2 trial is requested in the statutory county courts the jury shall be
3 composed of six jurors unless the constitution or other law
4 requires the jury to be composed of 12 members.

5 SECTION _____. Section 25.0362(f), Government Code, is
6 amended to read as follows:

7 (f) Except as otherwise provided by this subsection, a jury
8 in a county court at law shall be composed of six members unless the
9 constitution or other law requires a 12-member jury. Failure to
10 object before a six-member jury is seated and sworn constitutes a
11 waiver of a 12-member jury. In matters in which the constitution
12 or other law does not require a 12-member jury and the county court
13 at law has concurrent jurisdiction with the district court, the
14 jury may be composed of 12 members if a party to the suit requests a
15 12-member jury and the judge of the court consents. In a civil case
16 tried in a county court at law, the parties may, by mutual agreement
17 [~~and with the consent of the judge~~], agree to try the case with any
18 number of jurors and have a verdict rendered and returned by the
19 vote of any number of those jurors that is less than the total
20 number of jurors.

21 SECTION _____. Section 25.0722(i), Government Code, is
22 amended to read as follows:

23 (i) If a family law case or proceeding is tried before a
24 jury, the jury shall be composed of 12 members. In all other cases
25 the jury shall be composed of six members unless the constitution or
26 other law requires the jury to be composed of 12 members.

27 SECTION _____. Section 25.0812(k), Government Code, is
28 amended to read as follows:

29 (k) If a jury trial is requested in a case of concurrent
30 jurisdiction between the district courts and the county courts at
31 law, and the case was instituted in the district court, the jury

1 shall be composed of 12 members. In all other cases in which a jury
2 trial is requested in the county courts at law, the jury shall be
3 composed of six members unless the constitution or other law
4 requires the jury to be composed of 12 members.

5 SECTION _____. Section 25.0862(n), Government Code, is
6 amended to read as follows:

7 (n) If a jury trial is requested in a case that is in a
8 county court at law's jurisdiction as provided by Subsection (a),
9 the jury shall be composed of six members unless the constitution or
10 other law requires a 12-member jury. Failure to object before a
11 six-member jury is seated and sworn constitutes a waiver of a
12 12-member jury.

13 SECTION _____. Section 25.0942(1), Government Code, is
14 amended to read as follows:

15 (1) Except as otherwise provided by this subsection, a jury
16 in a county court at law shall be composed of six members, unless
17 the constitution or other law requires a 12-member jury. Failure to
18 object before a six-member jury is seated and sworn constitutes a
19 waiver of a 12-member jury. In matters in which the constitution or
20 other law does not require a 12-member jury and the county court at
21 law has concurrent jurisdiction with the district court, the jury
22 shall be composed of 12 members if a party to the suit requests a
23 12-member jury. In a civil case tried in a county court at law, the
24 parties may, by mutual agreement [~~and with the consent of the~~
25 ~~judge~~], agree to try the case with any number of jurors and have a
26 verdict rendered and returned by the vote of any number of those
27 jurors that is less than the total number of jurors.

28 SECTION _____. Section 25.1132(o), Government Code, is
29 amended to read as follows:

30 (o) If a family law case or proceeding is tried before a jury
31 in a county court at law, the jury shall be composed of 12 members.

1 In all other cases, the jury shall be composed of six members unless
2 the constitution or other law requires the jury to be composed of 12
3 members.

4 SECTION _____. Section 25.1252(j), Government Code, is
5 amended to read as follows:

6 (j) A county court at law may exercise the jurisdiction
7 vested in the district court for the drawing, selection, and
8 service of jurors. A panel not exceeding 24 jurors shall be drawn
9 for any one week of a court, and the juries selected may not exceed
10 six unless the constitution or other law requires the jury to be
11 composed of 12 members.

12 SECTION _____. Section 25.1722(f), Government Code, is
13 amended to read as follows:

14 (f) Except as otherwise provided by the constitution or
15 other law or by this subsection, juries in a county court at law
16 shall be composed of six members. Juries in family law cases and
17 proceedings shall be composed of 12 members, unless the parties
18 agree to a six-member jury.

19 SECTION _____. Section 25.1732(1), Government Code, is
20 amended to read as follows:

21 (1) A jury in a county court at law is composed of six
22 persons unless the constitution or other law requires the jury to be
23 composed of 12 members.

24 SECTION _____. Section 25.1802(o), Government Code, is
25 amended to read as follows:

26 (o) If a jury trial is requested in a case that is in a
27 county court at law's jurisdiction, the jury shall be composed of
28 six members unless the constitution or other law requires a
29 12-member jury. Failure to object before a six-member jury is
30 seated and sworn constitutes a waiver of a 12-member jury. To the
31 extent of any conflict, this section prevails over Section

1 25.0007(c).

2 SECTION _____. Section 25.1862(k), Government Code, is
3 amended to read as follows:

4 (k) If a jury trial is requested in a case that is in a
5 county court at law's jurisdiction as provided by Subsection (a),
6 the jury shall be composed of six members unless the constitution or
7 other law requires a 12-member jury. Failure to object before a
8 six-member jury is seated and sworn constitutes a waiver of a
9 12-member jury.

10 SECTION _____. Section 25.2142(v), Government Code, is
11 amended to read as follows:

12 (v) Except as otherwise provided by the constitution, other
13 law, or this section, juries in a county court at law shall be
14 composed of six members. In matters of concurrent jurisdiction
15 with the district court, if a party to the suit requests a 12-member
16 jury, the jury shall be composed of 12 members. In a civil case
17 tried in a county court at law, the parties may, by mutual agreement
18 [~~and with the consent of the judge~~], agree to try the case with any
19 number of jurors and agree to have a verdict rendered and returned
20 by the vote of any number of jurors less than all those hearing the
21 case.

22 SECTION _____. Section 25.2412(j), Government Code, is
23 amended to read as follows:

24 (j) If a case or proceeding in which a county court at law
25 has concurrent jurisdiction with a district court is tried before a
26 jury, the jury shall be composed of 12 members. In all other cases,
27 the jury shall be composed of six members unless the constitution or
28 other law requires the jury to be composed of 12 members.

29 SECTION _____. Section 25.2462(k), Government Code, is
30 amended to read as follows:

31 (k) A jury in a county court at law shall be composed of six

1 members unless the constitution or other law requires the jury to be
2 composed of 12 members.

3 SECTION _____. Section 25.2482(1), Government Code, is
4 amended to read as follows:

5 (1) A jury in a county court at law shall be composed of six
6 members unless the constitution or other law requires the jury to be
7 composed of 12 members.

8 SECTION _____. Section 62.301, Government Code, is amended
9 to read as follows:

10 Sec. 62.301. NUMBER OF JURORS. The jury in the county
11 courts and in the justice courts is composed of six persons unless
12 the constitution or other law requires the jury to be composed of 12
13 members.