

BILL ANALYSIS

H.B. 1108
By: Hughes
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, alternate jurors may replace jurors in a criminal case that are found to be unable to perform their duties or are disqualified from performing those duties. Recently enacted legislation allowed for the replacement of a juror that is found by the court, on agreement of the parties, to have good cause for not performing jury duty. However, interested parties argue that the requirement that such a replacement be made only on agreement of the parties eviscerates the intention to allow the trial court to make the decision. H.B. 1108 seeks to address this issue by revising provisions relating to alternate jurors in criminal cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1108 amends the Code of Criminal Procedure to clarify, for purposes of replacing a juror in a criminal case determined to have good cause for not performing the juror's duties, that a juror is determined to have such cause either through a finding by the court or through an agreement of the parties that is approved by the court.

EFFECTIVE DATE

September 1, 2015.