

BILL ANALYSIS

S.B. 135
By: Whitmire
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that grand jurors may be empaneled using a system that relies on jury commissioners to select prospective grand jurors from the community at large. A recent federal court case ruled that such a system of empaneling grand juries is highly subjective, archaic, and inefficient. Nevertheless, the court concluded that the facial constitutionality of the system was acceptable but susceptible to abuse. The parties agree and assert that the system is detrimental to the justice process and in need of restructuring. S.B. 135 seeks to address this issue.

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

S.B. 135 amends the Code of Criminal Procedure to remove selection by jury commissioners appointed by the district judge as a method for organizing a grand jury and to make mandatory a district judge's authorization to direct that 20 to 125 prospective grand jurors be selected and summoned in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts. The bill removes statutory provisions relating to the appointment and qualifications of jury commissioners and relating to the selection of grand jurors by such commissioners. The bill repeals certain provisions relating to the organization of the grand jury.

S.B. 135 requires, in trying the qualifications of any person to serve as a grand juror, the questions of whether the person has ever been convicted of misdemeanor theft or whether the person is under indictment or other legal accusation for misdemeanor theft to be asked. The bill requires the court to select 12 fair and impartial persons to serve as grand jurors and two additional persons to serve as alternate grand jurors. The bill conditions such selection on the finding that 14 qualified jurors are present and specifies that 14 is the minimum number of qualified jurors required to be present for selection. The bill requires the court, in selecting the grand jurors and the alternate grand jurors, to consider the county's demographics related to race, ethnicity, sex, and age. The bill includes among the reasons for which a juror is considered unavailable to serve on a grand jury any reason that the court determines constitutes good cause for dismissing the juror.

S.B. 135 amends the Government Code to make conforming changes.

S.B. 135 repeals the following provisions:

- 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
- Section 24.014(c), Government Code

EFFECTIVE DATE

September 1, 2015.