

By: Dutton

H.B. No. 1253

A BILL TO BE ENTITLED

AN ACT

relating to appointment of a grand jury.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

1 whether such commissioners shall serve during the term at which
2 selected or for the next succeeding term. The [~~Such~~] commissioners
3 shall receive as compensation for each day or part thereof they may
4 serve the sum of Ten Dollars, and they must [~~shall~~] possess the
5 following qualifications:

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

8 2. Be qualified jurors in the county;

9 3. Have no suit in said court which requires
10 intervention of a jury;

11 4. Be residents of different portions of the county;
12 and

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

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

23 SECTION 2. Article 19.30, Code of Criminal Procedure, is
24 amended to read as follows:

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

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

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

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

6 SECTION 3. 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 4. This Act takes effect September 1, 2015.