

By: Alvarado, Herrero, Riddle, Moody, Wu

H.B. No. 2150

A BILL TO BE ENTITLED

AN ACT

relating to the organization of a grand jury and qualifications for service as a grand juror.

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

SECTION 1. Article 19.26(b), Code of Criminal Procedure, is amended to read as follows:

(b) The grand jury is composed of not more than twelve qualified jurors. In addition, the court shall qualify and impanel not more than four [~~two~~] alternates to serve on disqualification or unavailability of a juror during the term of the grand jury. On learning that a grand juror has become disqualified or unavailable during the term of the grand jury, the attorney representing the state shall prepare an order for the court identifying the disqualified or unavailable juror, stating the basis for the disqualification or unavailability, dismissing the disqualified or unavailable juror from the grand jury, and naming one of the alternates as a member of the grand jury. The procedure established by this subsection may be used on disqualification or unavailability of a second or subsequent grand juror during the term of the grand jury. For purposes of this subsection, a juror is unavailable if the juror is unable to participate fully in the duties of the grand jury because the juror is unwilling to serve on the grand jury or is otherwise neglecting the juror's duty to serve, or because of the death of the juror or a physical or mental illness

1 of the juror.

2 SECTION 2. Article 19.31, Code of Criminal Procedure, is  
3 amended to read as follows:

4 Art. 19.31. CHALLENGE TO JUROR. (a) A challenge to a  
5 particular grand juror may be made orally for any of the following  
6 causes [~~only~~]:

7 1. That the juror is insane;

8 2. That the juror has such defect in the organs of  
9 feeling or hearing, or such bodily or mental defect or disease as to  
10 render the juror unfit for jury service, or that the juror is  
11 legally blind and the court in its discretion is not satisfied that  
12 the juror is fit for jury service in that particular case;

13 3. That the juror is a witness in an investigation of  
14 the grand jury;

15 4. That the juror served on a petit jury in a former  
16 trial of the same alleged conduct or offense that the grand jury is  
17 investigating;

18 5. That the juror has a bias or prejudice in favor of  
19 or against the person accused or suspected of committing an offense  
20 that the grand jury is investigating;

21 6. That from hearsay, or otherwise, there is  
22 established in the mind of the juror such a conclusion as to the  
23 guilt or innocence of the person accused or suspected of committing  
24 an offense that the grand jury is investigating as would influence  
25 the juror's vote on the presentment of an indictment;

26 7. That the juror is related within the third degree by  
27 consanguinity or affinity, as determined under Chapter 573,

1 Government Code, to a person accused or suspected of committing an  
2 offense that the grand jury is investigating or to a person who is a  
3 victim of an offense that the grand jury is investigating;

4 8. That the juror has a bias or prejudice against any  
5 phase of the law upon which the state is entitled to rely for an  
6 indictment;

7 9. That the juror [he] is not a qualified juror; and

8 10. [2.] That the juror [he] is the prosecutor upon an  
9 accusation against the person making the challenge.

10 (b) In this article, "legally blind" has the meaning  
11 assigned by Article 35.16(a).

12 SECTION 3. Chapter 19, Code of Criminal Procedure, is  
13 amended by adding Article 19.315 to read as follows:

14 Art. 19.315. RECUSAL OF JUROR. (a) If, during the course of  
15 a juror's service on the grand jury, the juror determines that the  
16 juror could be subject to a valid challenge for cause under Article  
17 19.31, the juror shall recuse himself or herself from grand jury  
18 service until the cause no longer exists. A person who knowingly  
19 fails to recuse himself or herself under this subsection may be held  
20 in contempt of court. A person authorized to be present in the grand  
21 jury room shall report a known violation of this subsection to the  
22 court.

23 (b) The court shall instruct the grand jury as to the duty  
24 imposed by Subsection (a).

25 SECTION 4. The changes in law made by this Act apply to a  
26 grand jury impaneled on or after the effective date of this Act. A  
27 grand jury impaneled before the effective date of this Act is

1 governed by the law in effect on the date the grand jury was  
2 impaneled, and the former law is continued in effect for that  
3 purpose.

4 SECTION 5. This Act takes effect September 1, 2015.