

By: Whitmire

S.B. No. 135

A BILL TO BE ENTITLED

AN ACT

relating to the organization 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. APPOINTMENT OF GRAND JURY [~~COMMISSIONERS; SELECTION WITHOUT JURY COMMISSION~~]. [~~(a)~~] The [~~district judge, at or during any term of court, 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 whether such commissioners shall serve during the term at which selected or for the next succeeding term. Such commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they shall possess the following qualifications:~~

[~~1. Be intelligent citizens of the county and able to read and write the English language,~~

[~~2. Be qualified jurors in the county,~~

[~~3. Have no suit in said court which requires intervention of a jury,~~

[~~4. Be residents of different portions of the county, and~~

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

1 ~~[(b) In lieu of the selection of prospective jurors by means~~
2 ~~of a jury commission, the]~~ district judge shall ~~[may]~~ direct that 20
3 to 125 prospective grand jurors be selected and summoned, with
4 return on summons, in the same manner as for the selection and
5 summons of panels for the trial of civil cases in the district
6 courts. The judge shall try the qualifications for and excuses from
7 service as a grand juror and impanel the completed grand jury ~~[in~~
8 ~~the same manner]~~ as provided by this chapter ~~[for grand jurors~~
9 ~~selected by a jury commission]~~.

10 SECTION 2. Article 19.07, Code of Criminal Procedure, is
11 amended to read as follows:

12 Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND
13 JURORS SHALL SIT. If prior to the expiration of the term for which
14 the grand jury was impaneled, it is made to appear by a declaration
15 of the foreman or of a majority of the grand jurors in open court,
16 that the investigation by the grand jury of the matters before it
17 cannot be concluded before the expiration of the term, the judge of
18 the district court in which said grand jury was impaneled may, by
19 the entry of an order on the minutes of said court, extend, from
20 time to time, for the purpose of concluding the investigation of
21 matters then before it, the period during which said grand jury
22 shall sit, for not to exceed a total of ninety days after the
23 expiration of the term for which it was impaneled, and all
24 indictments pertaining thereto returned by the grand jury within
25 said extended period shall be as valid as if returned before the
26 expiration of the term. ~~[The extension of the term of a grand jury~~
27 ~~under this article does not affect the provisions of Article 19.06~~

1 ~~relating to the selection and summoning of grand jurors for each~~
2 ~~regularly scheduled term.]~~

3 SECTION 3. Article 19.08, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 19.08. QUALIFICATIONS. No person shall be selected or
6 serve as a grand juror who does not possess the following
7 qualifications:

8 1. The person must be a citizen of the state, and of
9 the county in which the person is to serve, and be qualified under
10 the Constitution and laws to vote in said county, provided that the
11 person's failure to register to vote shall not be held to disqualify
12 the person in this instance;

13 2. The person must be of sound mind and good moral
14 character;

15 3. The person must be able to read and write;

16 4. The person must not have been convicted of
17 misdemeanor theft or a felony;

18 5. The person must not be under indictment or other
19 legal accusation for misdemeanor theft or a felony;

20 6. The person must not be related within the third
21 degree of consanguinity or second degree of affinity, as determined
22 under Chapter 573, Government Code, to any person selected to serve
23 or serving on the same grand jury;

24 7. The person must not have served as grand juror [~~or~~
25 ~~jury commissioner~~] in the year before the date on which the term of
26 court for which the person has been selected as grand juror begins;
27 and

1 8. The person must not be a complainant in any matter
2 to be heard by the grand jury during the term of court for which the
3 person has been selected as a grand juror.

4 SECTION 4. Article 19.19, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 19.19. JURORS TO ATTEND FORTHWITH. The jurors
7 provided for in Article 19.18 [~~the two preceding Articles~~] shall be
8 summoned in person to attend before the court forthwith.

9 SECTION 5. Article 19.20, Code of Criminal Procedure, is
10 amended to read as follows:

11 Art. 19.20. TO SUMMON QUALIFIED PERSONS. On [~~Upon~~]
12 directing the sheriff to summon grand jurors [~~not selected by the~~
13 ~~jury commissioners~~], the court shall instruct the sheriff [~~him~~]
14 that the sheriff [~~he~~] must not summon any [~~no~~] person to serve as a
15 grand juror who does not possess the qualifications prescribed by
16 law.

17 SECTION 6. Article 19.30, Code of Criminal Procedure, is
18 amended to read as follows:

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

21 1. That those summoned as grand jurors are not in fact
22 those selected by the method provided by Article 19.01 [~~19.01(b) of~~
23 ~~this chapter or by the jury commissioners~~]; and

24 2. That [~~In case of grand jurors summoned by order of~~
25 ~~the court, that~~] the officer who summoned the grand jurors [~~them~~
26 ~~had~~] acted corruptly in summoning any one or more of them.

27 SECTION 7. Section 24.014(b), Government Code, is amended

1 to read as follows:

2 (b) The judge may impanel [~~appoint jury commissioners who~~
3 ~~select and draw~~] grand and petit jurors as provided by law. The
4 jurors may be summoned to appear before the court at the time
5 designated by the judge.

6 SECTION 8. Section [24.135](#)(c), Government Code, is amended
7 to read as follows:

8 (c) The judge of the 33rd District Court may [~~select jury~~
9 ~~commissioners and~~] impanel grand juries in each county. The judge
10 of the 33rd District Court may alternate the drawing of grand juries
11 with the judge of any other district court in each county within the
12 33rd Judicial District and may order grand and petit juries to be
13 drawn for any term of the court as the judge determines is
14 necessary, by an order entered in the minutes of the
15 court. Indictments within each county may be returned to either
16 court within that county.

17 SECTION 9. Section [24.377](#)(b), Government Code, is amended
18 to read as follows:

19 (b) The judge of the 198th District Court may [~~select jury~~
20 ~~commissioners and~~] impanel grand juries in each county. The judge
21 of the 198th District Court may alternate the drawing of grand
22 juries with the judge of any other district court in each county
23 within the judge's district and may order grand and petit juries to
24 be drawn for any term of the judge's court as in the judge's judgment
25 is necessary, by an order entered in the minutes of the court.
26 Indictments within each county may be returned to either court
27 within that county.

1 SECTION 10. Section 24.396(b), Government Code, is amended
2 to read as follows:

3 (b) The judge of the 218th District Court may [~~select grand~~
4 ~~jury commissioners and~~] impanel grand juries in each county in the
5 district but is not required to impanel a grand jury in any county
6 except when the judge [~~he~~] considers it necessary. The judge may
7 alternate the impaneling of grand juries in each county with the
8 judge of any other district court in that county, or the judges may
9 by agreement determine which one of the courts will impanel the
10 grand juries. Indictments within each county may be returned to any
11 district court within that county. All grand and petit juries drawn
12 for one district court in each county are interchangeable with any
13 other district court in that county as if the jury had been drawn
14 for the court in which it is used.

15 SECTION 11. Section 24.487(b), Government Code, is amended
16 to read as follows:

17 (b) The judge of the 341st District Court may [~~select jury~~
18 ~~commissioners and~~] impanel grand juries in Webb County. The judge
19 of the 341st District Court may alternate the drawing of grand
20 juries with the judge of any other district court in the county. By
21 order entered on the minutes, for any term that the judge considers
22 it necessary, the judge may order grand and petit juries to be
23 drawn.

24 SECTION 12. Section 24.568(d), Government Code, is amended
25 to read as follows:

26 (d) The judge of the 424th District Court may [~~select jury~~
27 ~~commissioners and~~] impanel grand juries in each county. The judge

1 of the 424th District Court may alternate the drawing of grand
2 juries with the judge of any other district court in each county
3 within the 424th Judicial District and may order grand and petit
4 juries to be drawn for any term of the court as the judge determines
5 is necessary, by an order entered in the minutes of the
6 court. Indictments within each county may be returned to either
7 court within that county.

8 SECTION 13. Section 24.596(b), Government Code, is amended
9 to read as follows:

10 (b) The judge of the 452nd District Court may [~~select jury~~
11 ~~commissioners and~~] impanel grand juries in each county. The judge
12 of the 452nd District Court may order grand and petit juries to be
13 drawn for any term of the judge's court as in the judge's judgment is
14 necessary, by an order entered in the minutes of the court.

15 SECTION 14. The heading to Section 402.024, Government
16 Code, is amended to read as follows:

17 Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY [~~, GRAND JURY~~
18 ~~COMMISSIONER,~~] OR GRAND JUROR.

19 SECTION 15. Section 402.024(b), Government Code, is amended
20 to read as follows:

21 (b) The attorney general shall defend a state [~~grand jury~~
22 ~~commissioner or~~] grand juror who is a defendant in an action in any
23 court if:

24 (1) the suit involves an act of the person while in the
25 performance of duties as a [~~grand jury commissioner or~~] grand
26 juror; and

27 (2) the person requests the attorney general's

1 assistance in the defense.

2 SECTION 16. The following provisions are repealed:

3 (1) Articles 19.02, 19.03, 19.04, 19.05, 19.06, 19.09,
4 19.10, 19.11, 19.12, 19.13, 19.14, 19.15, and 19.17, Code of
5 Criminal Procedure; and

6 (2) Section 24.014(c), Government Code.

7 SECTION 17. Section 402.024(b), Government Code, as amended
8 by this Act, applies only to a court action arising from an act of a
9 person that occurs on or after the effective date of this Act. A
10 court action arising from an act of a person that occurred before
11 the effective date of this Act is governed by the law in effect on
12 the date the act occurred, and the former law is continued in effect
13 for that purpose.

14 SECTION 18. This Act takes effect September 1, 2015.