

By: Landgraf

H.B. No. 2286

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications for service as a grand juror and to the selection of grand jurors.

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. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS. The district judge shall direct that the number of [20 to 125] prospective grand jurors the judge considers necessary to ensure an adequate number of jurors under Article 19.26 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. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury as provided by this chapter.

SECTION 2. Article 19.08, Code of Criminal Procedure, is amended to read as follows:

Art. 19.08. QUALIFICATIONS. A [No] person may [shall] be selected or serve as a grand juror only if the person [who does not possess the following qualifications]:

(1) is at least 18 years of age;

(2) is [1. The person must be] a citizen of the United States;

(3) is a resident of this state, and of the county in

1 which the person is to serve;

2 (4) is [~~7. and be~~] qualified under the Constitution and
3 laws to vote in the [~~said~~] county in which the grand jury is
4 sitting, regardless of whether the person is registered [~~provided~~
5 ~~that the person's failure to register~~] to vote [~~shall not be held to~~
6 ~~disqualify the person in this instance~~];

7 (5) is [~~2. The person must be~~] of sound mind and good
8 moral character;

9 (6) is [~~3. The person must be~~] able to read and write;

10 (7) has not [~~4. The person must not have~~] been
11 convicted of misdemeanor theft or a felony;

12 (8) is not [~~5. The person must not be~~] under
13 indictment or other legal accusation for misdemeanor theft or a
14 felony;

15 (9) is [~~6. The person must~~] not [~~be~~] related within
16 the third degree of consanguinity or second degree of affinity, as
17 determined under Chapter 573, Government Code, to any person
18 selected to serve or serving on the same grand jury;

19 (10) has [~~7. The person must~~] not [~~have~~] served as
20 grand juror in the year before the date on which the term of court
21 for which the person has been selected as grand juror begins; and

22 (11) is [~~8. The person must~~] not [~~be~~] a complainant
23 in any matter to be heard by the grand jury during the term of court
24 for which the person has been selected as a grand juror.

25 SECTION 3. Article 19.25, Code of Criminal Procedure, is
26 amended to read as follows:

27 Art. 19.25. EXCUSES FROM SERVICE. Any person summoned who

1 does not possess the requisite qualifications shall be excused by
2 the court from serving. The following qualified persons may be
3 excused from grand jury service:

4 (1) a person older than 70 years;

5 (2) a person responsible for the care of a child
6 younger than 12 [~~18~~] years of age if the person's service on the
7 grand jury would require leaving the child without adequate
8 supervision;

9 (3) a student of a public or private secondary school;

10 (4) a person enrolled and in actual attendance at an
11 institution of higher education; and

12 (5) any other person that the court determines has a
13 reasonable excuse from service.

14 SECTION 4. The changes in law made by this Act apply to a
15 grand jury impaneled on or after the effective date of this Act. A
16 grand jury impaneled before the effective date of this Act is
17 governed by the law in effect on the date the grand jury was
18 impaneled, and the former law is continued in effect for that
19 purpose.

20 SECTION 5. This Act takes effect September 1, 2017.