

BILL ANALYSIS

C.S.H.B. 480
By: Schaefer
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that although the Code of Criminal Procedure enumerates reasons for which a grand juror may be challenged for cause, there is no explicit authority for an attorney representing the state to question such a juror. Concerns have also been raised regarding situations in which potential grand jurors give statements to a questioning attorney during the selection process that differ or contradict statements made after being selected. C.S.H.B. 480 seeks to provide a reasonable opportunity for an attorney representing the state to question a grand juror and for certain grand jury proceedings to be recorded to prevent false information being given by prospective grand jurors.

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

C.S.H.B. 480 amends the Code of Criminal Procedure to require a stenographer or a person operating an electronic recording device capable of recording sound to record the following in a proceeding relating to a grand jury:

- an interrogation of a prospective grand juror on the juror's qualifications;
- a challenge to the array of grand jurors;
- a challenge to a prospective grand juror;
- an oath administered to grand jurors on completion of the grand jury; and
- the court's instructions to the grand jury as to the jury's duty.

C.S.H.B. 480 requires a court to allow the attorney representing the state a reasonable opportunity to question a grand juror in order to determine whether the juror may be challenged for the cause that the juror:

- is insane;
- has such defect in the organs of feeling or hearing, or such bodily or mental defect or disease as to render the juror unfit for jury service, or that the juror is legally blind and the court in its discretion is not satisfied that the juror is fit for jury service in that particular case;

- is a witness in or a target of an investigation of a grand jury;
- served on a petit jury in a former trial of the same alleged conduct or offense that the grand jury is investigating;
- is related within the third degree by consanguinity or affinity to a person accused or suspected of committing an offense that the grand jury is investigating or to a person who is a victim of an offense that the grand jury is investigating; or
- is the prosecutor upon an accusation against the person making the challenge.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 480 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement for a stenographer or a person operating an electronic recording device capable of recording sound to record certain proceedings relating to a grand jury.