

BILL ANALYSIS

H.B. 469
By: Smith
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Judges have noted that state law regarding the sequestration of a jury is outdated and burdensome on courts and jurors. While a party may request that jurors be sequestered, most cases do not involve situations where this is warranted. The statute does not grant discretion to the court when either party requests a sequestration and there is no time requirement on when the request for sequestration must be made, which can be difficult for deputies and jurors who must obtain lodging, transportation, and meals without advance notice. H.B. 469 seeks to address this issue by allowing courts and jurors to prepare for a sequestration request by providing a deadline to make the request and a related hearing process while still allowing a request from either party, after the deadline, if it is found good cause exists.

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

H.B. 469 amends the Code of Criminal Procedure to replace the requirement that a court order the sequestration of a jury on the motion of either party in a case with a requirement that the court, on the motion of either party, hold a hearing to determine whether good cause exists to order the sequestration. The bill requires the court, on a finding of good cause, to enter such an order. The bill requires such a motion to be filed not less than 10 days before the date jury selection begins unless the requesting party shows good cause exists for filing the motion after that period.

H.B. 469 applies only to a criminal proceeding that commences on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.