

BILL ANALYSIS

C.S.H.B. 4671
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Typically, district clerks are the jury clerks for a county whose duties include preparing and mailing jury summons for petit and grand juries. However, it is currently unclear who is qualified to actually summon a grand jury. What often happens is the district clerk handles the administrative duties of pulling a list of potential jurors and preparing the jury summons, but in order to comply with state law, the summons are dropped into the mail by the county sheriff. C.S.H.B. 4671 seeks to address this issue by including district clerks among the officials who may fulfill certain duties relating to jury summons.

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. 4671 amends the Code of Criminal Procedure to include a district clerk among the individuals who may be ordered by the district court to summon grand jurors, to not summon a person who is disqualified from serving as a grand juror, and to summon additional prospective grand jurors. The bill requires a district clerk, on the third business day of each month, to prepare a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's citizenship or indictment or conviction for misdemeanor theft or a felony and to send a copy of the list to the secretary of state. These provisions apply only to the summoning of grand jurors on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4671 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and substitute require a district clerk to send a copy of the list of persons disqualified from serving as grand jurors to the secretary of state. However, the substitute omits the requirement from the introduced for the district clerk to send that list to the prosecuting

attorney for the court to which the grand jurors were summoned for investigation into whether any person made a false claim concerning the person's qualifications with respect to citizenship status and certain previous convictions and indictments.