88R8768 JTZ-F

By:  Hayes H.B. No. 4674

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications, summoning, and reimbursement of jurors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 61.003(a) and (b), Government Code, are amended to read as follows:

(a)  Each [~~After jury service is concluded, each~~] person who reports [~~reported~~] for jury service shall be [~~personally~~] provided the opportunity, either through a written form or electronically, to direct [~~a form letter that when signed by the person directs~~] the county treasurer or a designated county employee to donate all, [~~or~~] a specific amount designated by the person, or the entire amount divided among the funds, programs, and county entities listed in this subsection of the person's daily reimbursement under this chapter to:

(1)  the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure;

(2)  the child welfare, child protective services, or child services board of the county appointed under Section 264.005, Family Code, that serves abused and neglected children;

(3)  any program selected by the commissioners court that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence;

(4)  any other program approved by the commissioners court of the county, including a program established under Article 56A.205, Code of Criminal Procedure, that offers psychological counseling in criminal cases involving graphic evidence or testimony;

(5)  a veterans treatment court program established by the commissioners court as provided by Chapter 124; or

(6)  a veterans county service office established by the commissioners court as provided by Subchapter B, Chapter 434.

(b)  The county treasurer or a designated county employee shall collect any information provided under Subsection (a) [~~each form letter~~] directing the county treasurer to donate the reimbursement of a person who reports for jury service.

SECTION 2.  Sections 62.001(a) and (b), Government Code, are amended to read as follows:

(a)  The jury wheel must be reconstituted by using, as the source:

(1)  the names of all persons on the current voter registration lists from all the precincts in the county; and

(2)  all names on a current list to be furnished by the Department of Public Safety, showing the citizens of the county who:

(A)  hold a valid Texas driver's license or a valid personal identification card or certificate issued by the department; and

(B)  are not disqualified from jury service under Section 62.102(1), (2), or (8) [~~(7)~~].

(b)  Notwithstanding Subsection (a), the names of persons listed on a register of persons exempt from jury service may not be placed in the jury wheel, as provided by Sections 62.108, [~~and~~] 62.109, 62.113, 62.114, and 62.115.

SECTION 3.  Section 62.0111(b), Government Code, is amended to read as follows:

(b)  A plan adopted under Subsection (a) may allow for a prospective juror to provide information to the county officer responsible for summoning jurors or for the county officer to provide information to the prospective juror by computer or automated telephone system, including:

(1)  information that permits the court to determine whether the prospective juror is qualified for jury service under Section 62.102;

(2)  information that permits the court to determine whether the prospective juror is exempt from jury service under Section 62.106;

(3)  submission of a request by the prospective juror for a postponement of or excuse from jury service under Section 62.110;

(4)  information for jury assignment under Section 62.016, including:

(A)  the prospective juror's postponement status;

(B)  if the prospective juror could potentially serve on a jury in a justice court, the residency of the prospective juror; and

(C)  if the prospective juror could potentially serve on a jury in a criminal matter, whether the prospective juror has been convicted of misdemeanor theft;

(5)  completion and submission by the prospective juror of the written juror [~~jury summons~~] questionnaire under Section 62.0132;

(6)  the prospective juror's electronic mail address; and

(7)  notification to the prospective juror by electronic mail of:

(A)  whether the prospective juror is qualified for jury service;

(B)  the status of the exemption, postponement, or judicial excuse request of the prospective juror; or

(C)  whether the prospective juror has been assigned to a jury panel.

SECTION 4.  Section 62.012(b), Government Code, is amended to read as follows:

(b)  On receiving the notice from the judge, the clerk shall immediately write on the jury list the date that the prospective jurors are to be summoned to appear and shall either:

(1)  summon the prospective jurors directly in the same manner a sheriff or constable would summon a juror under Section 62.013; or

(2)  deliver the jury list to:

(A) [~~(1)~~]  the sheriff, for a county or district court jury; or

(B) [~~(2)~~]  the sheriff or constable, for a justice court jury.

SECTION 5.  The heading to Section 62.013, Government Code, is amended to read as follows:

Sec. 62.013.  SUMMONS FOR JURY SERVICE BY CLERK, SHERIFF, OR CONSTABLE.

SECTION 6.  Sections 62.013(a) and (b), Government Code, are amended to read as follows:

(a)  Except as provided by Section 62.014, the clerk, sheriff, or constable, on receipt of a jury list from a county or district clerk, shall immediately notify the persons whose names are on the list to appear for jury service on the date designated by the judge.

(b)  The clerk, sheriff, or constable shall notify each prospective juror to appear for jury service:

(1)  by an oral summons; or

(2)  if the judge ordering the summons so directs, by a written summons sent by registered mail or certified mail, return receipt requested, or by first class mail to the address on the jury wheel card or the address on the current voter registration list of the county.

SECTION 7.  Sections 62.0131(b) and (c), Government Code, are amended to read as follows:

(b)  The model must include:

(1)  the option to provide:

(A)  the exemptions and restrictions governing jury service under Subchapter B; or

(B)  the electronic address of the court's Internet website on which is posted the exemptions and restrictions governing jury service under Subchapter B; [~~and~~]

(2)  the information under Chapter 122, Civil Practice and Remedies Code, relating to the duties of an employer with regard to an employee who is summoned for jury service;

(3)  notice of the contempt action to which the person summoned for jury service is subject under Section 62.0141 for failure to comply with the jury summons; and

(4)  the option to:

(A)  include in the jury summons the juror questionnaire required by Section 62.0132;

(B)  provide the electronic address of the court's Internet website from which the juror questionnaire may be easily printed; or

(C)  in counties in which the district and criminal district judges adopted a plan for an electronic jury selection method under Section 62.011, provide the electronic address of the court's Internet website for the prospective juror to access and complete the juror questionnaire.

(c)  A written jury summons must conform with the model established under this section and must be 3-1/2 by 5 inches or larger in size.

SECTION 8.  The heading to Section 62.0132, Government Code, is amended to read as follows:

Sec. 62.0132.  JUROR [~~WRITTEN JURY SUMMONS~~] QUESTIONNAIRE.

SECTION 9.  Sections 62.0132(c) and (d), Government Code, are amended to read as follows:

(c)  The questionnaire must require a person to provide biographical and demographic information that is relevant to service as a jury member, including the person's:

(1)  name, sex, race, and age;

(2)  residence address and mailing address;

(3)  education level, occupation, and place of employment;

(4)  marital status and the name, occupation, and place of employment of the person's spouse; [~~and~~]

(5)  citizenship status and county of residence; and

(6)  any electronic address.

(d)  Except as provided by this subsection, a person who has received a [~~written~~] jury summons shall complete and submit a juror [~~jury summons~~] questionnaire when the person reports for jury duty. If the district and criminal district judges of a county adopt a plan for an electronic jury selection method under Section 62.011, the county may allow a person to complete and submit a juror [~~jury summons~~] questionnaire on the court's Internet website as authorized under Section 62.0111(b)(5).

SECTION 10.  The heading to Section 62.014, Government Code, is amended to read as follows:

Sec. 62.014.  SUMMONS FOR JURY SERVICE BY CLERKS, SHERIFFS, OR BAILIFFS.

SECTION 11.  Section 62.014(a), Government Code, is amended to read as follows:

(a)  In a county with at least nine district courts, the district judges may direct that prospective jurors be summoned for jury service by the clerk, the sheriff, or [~~by~~] a bailiff, or an assistant or deputy bailiff, in charge of the central jury room and the general panel of the county.

SECTION 12.  Section 62.0145, Government Code, is amended to read as follows:

Sec. 62.0145.  REMOVAL OF CERTAIN PERSONS FROM POOL OF PROSPECTIVE JURORS. Except as provided by Section 62.0146, if a written summons for jury service sent by a clerk, sheriff, constable, or bailiff is undeliverable, the county or district clerk may remove from the jury wheel the jury wheel card for the person summoned or the district clerk, or in a county with a population of at least 1.7 million and in which more than 75 percent of the population resides in a single municipality, a bailiff appointed as provided under Section 62.019, may remove the person's name from the record of names for selection of persons for jury service under Section 62.011.

SECTION 13.  Section 62.0146, Government Code, is amended to read as follows:

Sec. 62.0146.  UPDATING ADDRESSES OF CERTAIN PERSONS IN POOL OF PROSPECTIVE JURORS. If a written summons for jury service sent by a clerk, sheriff, constable, or bailiff is returned with a notation from the United States Postal Service of a change of address for the person summoned, the county or district clerk may update the jury wheel card to reflect the person's new address.

SECTION 14.  Section 62.015(b), Government Code, is amended to read as follows:

(b)  If the court at any time does not have a sufficient number of prospective jurors present whose names are on the jury lists and who are not excused by the judge from jury service, the judge shall order the clerk, sheriff, or constable to summon additional prospective jurors to provide the requisite number of jurors for the panel. The names of additional jurors to be summoned by the clerk, sheriff, or constable to fill a jury panel shall be drawn from the jury wheel under orders of the judge. Additional jurors summoned to fill a jury panel shall be discharged when their services are no longer required.

SECTION 15.  Section 62.016(d), Government Code, is amended to read as follows:

(d)  The clerk or sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the designated judge for jury service. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

SECTION 16.  Section 62.017(d), Government Code, is amended to read as follows:

(d)  The clerk or sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the designated judge for jury service. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

SECTION 17.  Section 62.0175(d), Government Code, is amended to read as follows:

(d)  The clerk or sheriff shall notify the persons whose names are drawn from the jury wheel to appear before the district judge for jury service.  The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

SECTION 18.  Section 62.109(c), Government Code, is amended to read as follows:

(c)  The clerk of the district court shall promptly notify the voter registrar of the county of the name and address of each person permanently exempted [~~and state whether the exemption is permanent or for a specified period~~]. The voter registrar shall maintain a current register showing [~~separately~~] the name and address of each person permanently exempt from jury service under this section [~~and the name and address of each person exempt from jury service under this section for a specified period~~].

SECTION 19.  Subchapter B, Chapter 62, Government Code, is amended by adding Section 62.115 to read as follows:

Sec. 62.115.  COMPILATION OF LIST OF CONVICTED PERSONS. (a) The clerk of the court shall maintain a list of the name and address of each person who is disqualified under this subchapter from jury service because the person was convicted of misdemeanor theft or a felony.

(b)  A person who was convicted of misdemeanor theft or a felony shall be permanently disqualified from serving as a juror. A person is exempt from this section if the person:

(1)  was placed on deferred adjudication and received a dismissal and discharge in accordance with Article 42A.111, Code of Criminal Procedure;

(2)  was placed on community supervision and the period of community supervision was terminated early under Article 42A.701, Code of Criminal Procedure; or

(3)  was pardoned or has had the person's civil rights restored.

(c)  The district clerk may remove from the jury wheel the jury wheel card for the person whose name appears on the list.

(d)  On the third business day of each month, the clerk shall send to the secretary of state a copy of the list of persons disqualified because of a conviction of misdemeanor theft or a felony in the preceding month.

SECTION 20.  Section 62.411(a), Government Code, is amended to read as follows:

(a)  In addition to other methods of jury selection provided by this chapter, a justice of the peace may issue a writ commanding the clerk, sheriff, or constable to immediately summon a venire from which six qualified persons may be selected for jury service if:

(1)  a jury case is pending for trial at a term of justice court; or

(2)  the court does not have a sufficient number of prospective jurors present whose names are on the jury list and who are not excused from jury service.

SECTION 21.  Section 62.412(c), Government Code, is amended to read as follows:

(c)  A justice of the peace may command the clerk, sheriff, or constable to immediately summon additional persons for jury service in the justice court if the number of qualified jurors, including persons summoned under Section 62.016, is less than the number necessary for the justice court to conduct its proceedings.

SECTION 22.  Sections 62.0111(c) and 62.0132(b), Government Code, are repealed.

SECTION 23.  This Act takes effect September 1, 2023.