

By: Hayes, Thimesch

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;

1 (4) any other program approved by the commissioners
2 court of the county, including a program established under Article
3 [56A.205](#), Code of Criminal Procedure, that offers psychological
4 counseling in criminal cases involving graphic evidence or
5 testimony;

6 (5) a veterans treatment court program established by
7 the commissioners court as provided by Chapter [124](#); or

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

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

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

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

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

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

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

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

1 (b) Notwithstanding Subsection (a), the names of persons
2 listed on a register of persons exempt from jury service may not be
3 placed in the jury wheel, as provided by Sections 62.108, ~~[and]~~
4 62.109, 62.113, 62.114, and 62.115.

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

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

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

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

18 (3) submission of a request by the prospective juror
19 for a postponement of or excuse from jury service under Section
20 62.110;

21 (4) information for jury assignment under Section
22 62.016, including:

23 (A) the prospective juror's postponement status;

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

27 (C) if the prospective juror could potentially

1 serve on a jury in a criminal matter, whether the prospective juror
2 has been convicted of misdemeanor theft;

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

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

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

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

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

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

16 SECTION 4. Section [62.012](#)(b), Government Code, is amended
17 to read as follows:

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

21 (1) summon the prospective jurors directly in the same
22 manner a sheriff or constable would summon a juror under Section
23 [62.013](#); or

24 (2) deliver the jury list to:

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

27 (B) [~~(2)~~] the sheriff or constable, for a justice

1 court jury.

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

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

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

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

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

15 (1) by an oral summons; or

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

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

23 (b) The model must include:

24 (1) the option to provide:

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

27 (B) the electronic address of the court's

1 Internet website on which is posted the exemptions and restrictions
2 governing jury service under Subchapter B; ~~and~~

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

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

9 (4) the option to:

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

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

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

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

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

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

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

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

4 (1) name, sex, race, and age;

5 (2) residence address and mailing address;

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

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

10 (5) citizenship status and county of residence; and

11 (6) any electronic address.

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

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

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

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

26 (a) In a county with at least nine district courts, the
27 district judges may direct that prospective jurors be summoned for

1 jury service by the clerk, the sheriff, or [~~by~~] a bailiff, or an
2 assistant or deputy bailiff, in charge of the central jury room and
3 the general panel of the county.

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

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

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

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

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

27 (b) If the court at any time does not have a sufficient

1 number of prospective jurors present whose names are on the jury
2 lists and who are not excused by the judge from jury service, the
3 judge shall order the clerk, sheriff, or constable to summon
4 additional prospective jurors to provide the requisite number of
5 jurors for the panel. The names of additional jurors to be summoned
6 by the clerk, sheriff, or constable to fill a jury panel shall be
7 drawn from the jury wheel under orders of the judge. Additional
8 jurors summoned to fill a jury panel shall be discharged when their
9 services are no longer required.

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

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

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

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

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

26 (d) The clerk or sheriff shall notify the persons whose
27 names are drawn from the jury wheel to appear before the district

1 judge for jury service. The judge shall hear the excuses of the
2 prospective jurors and swear them in for jury service for the week
3 for which they are to serve as jurors.

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

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

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

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

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

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

27 (2) was placed on community supervision and the period

1 of community supervision was terminated early under Article
2 42A.701, Code of Criminal Procedure; or

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

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

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

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

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

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

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

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

25 (c) A justice of the peace may command the clerk, sheriff,
26 or constable to immediately summon additional persons for jury
27 service in the justice court if the number of qualified jurors,

1 including persons summoned under Section 62.016, is less than the
2 number necessary for the justice court to conduct its proceedings.

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

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