

## **BILL ANALYSIS**

Senate Research Center

H.B. 2637  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, there are several inconsistencies in procedures for summoning and exempting prospective jurors, such as the discrepancy between the petit juror age exemption, which was raised from over 70 years of age to over 75 years of age last session, and the grand juror age exemption, which remains at over 70 years of age. Other inconsistencies include the discretion of court clerks to remove the jury wheel card for a person whose name is on the list of individuals who have been convicted of misdemeanor theft or a felony despite the fact that such individuals are disqualified from jury service as a result of those convictions, which can lead to administrative confusion and inefficient management of juries. H.B. 2637 seeks to address these issues by standardizing procedures for summoning and exempting petit and grand jurors and making related clarifications.

H.B. 2637 amends current law relating to the practice and procedures for summoning prospective grand jurors and petit jurors and the exemption of certain persons from grand jury and petit jury service.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 19A.051(c), Code of Criminal Procedure, to require a district judge to test the qualifications for and exemptions, rather than excuses, from service as a grand juror and impanel the completed grand jury as provided by Chapter 19A (Grand Jury Organization).

SECTION 2. Amends the heading to Subchapter C, Chapter 19A, Code of Criminal Procedure, to read as follows:

#### **SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXEMPTIONS FROM SERVICE**

SECTION 3. Amends Article 19A.101, Code of Criminal Procedure, as follows:

Art. 19A.101. New heading: GRAND JUROR QUALIFICATIONS; LISTS OF DISQUALIFIED PERSONS. (a) Provides that a person is authorized to be selected or serve as a grand juror only if the person meets certain requirements, including if the person has never been convicted of a felony. Makes nonsubstantive changes.

(b) Requires the clerk of the district court, on the third business day of each month, to prepare:

(1) a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's citizenship and send a copy of the list to certain persons, including the voter registrar for the county in which the grand jury is sitting;

(2) a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's residency and send a copy of the list to the secretary of state (SOS) and the voter registrar for the county in which the grand jury is sitting; and

(3) a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's indictment or a conviction for misdemeanor theft or a felony and send a copy of the list to SOS, the voter registrar for the county in which the grand jury is sitting, and 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 qualification under Subsection (a)(7) (relating to providing that a person is authorized to serve as a grand juror only if the person has not been convicted of certain offenses), (8) (relating to providing that a person is authorized to serve as a grand juror only if the person has never been a convicted felon), or (9) (relating to providing that a person is authorized to serve as a grand juror only if the person is not under indictment or other legal accusation for misdemeanor theft or a felony).

Deletes existing text requiring the clerk of the district court, 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 send a copy of the list to certain persons, including 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 qualification under Subsection (a)(7) or (8). Makes nonsubstantive changes.

SECTION 4. Amends Article 19A.105, Code of Criminal Procedure, as follows:

Art. 19A.105. New heading: EXCUSE AND EXEMPTION FROM GRAND JURY SERVICE. (a) Requires the court to excuse from serving any summoned person who does not possess the requisite qualifications or who claims an exemption to which the person is entitled.

(b) Authorizes certain qualified persons to claim an exemption, rather than be excused, from grand jury service, including a person who is 75 years of age or older, rather than a person older than 70 years of age, and a person responsible for the care of a child who is younger than 18 years of age and who will be without adequate supervision if the person serves on the grand jury.

SECTION 5. Amends Subchapter C, Chapter 19A, Code of Criminal Procedure, by adding Articles 19A.106 and 19A.107, as follows:

Art. 19A.106. PERMANENT EXEMPTION FOR ELDERLY. (a) Authorizes a person who is entitled to exemption from grand jury service because the person is 75 years of age or older to establish a permanent exemption on that ground as provided by this article.

(b) Authorizes a person to claim a permanent exemption by filing with the district clerk, through an electronic transmission, mail, or personal delivery, a signed statement affirming the person is 75 years of age or older and desires a permanent exemption on that ground.

(c) Requires the district clerk to maintain a current register of the name of each person who resides in the county and who has claimed and is entitled to a permanent exemption from grand jury service because the person is 75 years of age or older.

(d) Prohibits a person whose name appears on the register of persons permanently exempted from serving as a grand juror under this article from being selected or summoned for grand jury service by any district judge in the county.

(e) Authorizes a person who has claimed a permanent exemption from jury service under this article to rescind the exemption at any time by filing a signed request for the rescission with the district clerk. Provides that rescission of a permanent exemption does not affect the right of a person who is 75 years of age or older to claim a permanent exemption at a later time.

Art. 19A.107. LIST OF DISQUALIFIED CONVICTED PERSONS. (a) Requires the district clerk to maintain a list of the name and address of each person who is disqualified under this subchapter from grand jury service because the person was convicted of misdemeanor theft or a felony.

(b) Provides that a person who was convicted of misdemeanor theft or a felony is permanently disqualified from serving as a juror.

(c) Prohibits a person whose name appears on the list maintained under this article from being selected or summoned for grand jury service by any judge of a district court served by the clerk.

(d) Requires the district clerk, on the third business day of each month, to send a copy of the list maintained under this article to certain persons.

SECTION 6. Amends Sections 62.001(a) and (b), Government Code, as follows:

(a) Requires that the jury wheel be reconstituted by using, as the sources, all names on a current list to be furnished by the Department of Public Safety, showing the citizens of the county who are not disqualified from jury service under certain provisions, including Section 62.102(3) (relating to disqualifying a person to serve as a petit juror unless the person is a resident of this state and of the county where the person is to serve as a juror) or (7) (relating to disqualifying a person to serve as a petit juror unless the person has not served as petit juror for a certain duration).

(b) Deletes existing text prohibiting the names of persons listed on a register of persons exempt from jury service, notwithstanding Subsection (a), from being placed in the jury wheel, as provided by Sections 62.113 (Compilation of List of Noncitizens), 62.114 (Compilation of List of Nonresidents), and 62.115 (Compilation of List of Convicted Persons). Makes nonsubstantive changes.

SECTION 7. Amends Section 62.0132(g), Government Code, as follows:

(g) Authorizes the information contained in a completed questionnaire relating to certain information relevant to service as a jury member to be disclosed to certain persons, including, other than information provided that is related to Sections 62.102(2) (relating to disqualifying a person from serving as a petit juror unless the person is a citizen of the United States), (3), (7), (8) (relating to disqualifying a person to serve as a petit juror unless the person has not been convicted of certain offenses), or (9) (relating to disqualifying a person to serve as a petit juror unless the person is not under indictment or other legal accusation for certain offenses), the voter registrar of a county in connection with any matter of voter registration or the administration of elections. Makes nonsubstantive changes.

SECTION 8. Amends Section 62.102, Government Code, as follows:

Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. Provides that a person is disqualified to serve as a petit juror unless the person meets certain requirements, including that the person has not been convicted of a felony and has not

served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court. Makes nonsubstantive changes.

SECTION 9. Amends Section 62.106(a), Government Code, to make conforming changes.

SECTION 10. Amends Section 62.107(c), Government Code, as follows:

(c) Requires the clerk of the court with whom the declaration is filled to notify SOS and the voter registrar of the county. Deletes existing text requiring the clerk of the county, promptly after a statement claiming a permanent exemption on the basis of age is filed, to have a copy delivered to the voter registrar of the county. Makes conforming changes.

SECTION 11. Amends Sections 62.108(a), (b), (c), and (e), Government Code, as follows:

(a) Makes a conforming change to this subsection.

(b) Authorizes a person to claim a permanent exception by certain means, including by filing with the district clerk, rather than the voter registrar, of the county, by mail or personal delivery, a signed statement affirming that the person is 75 years of age or older, rather than over 75, and desires a permanent exemption on that ground.

(c) Makes conforming changes to this subsection.

(e) Makes conforming changes to this subsection.

SECTION 12. Amends Section 62.109, Government Code, by amending Subsections (a), (b), (d), and (e) and adding Subsection (b-1), as follows:

(a) Authorizes the judge of a district court or the district clerk, rather than the judge of a district court by order, to permanently or for a specified period exempt from service as a juror in all the county and district courts in the county a person meeting certain criteria.

(b) Requires a person requesting an exemption under Section 62.109 (Exception for Physical or Mental Impairment or Inability to Comprehend English) to submit to the court or the district clerk an affidavit stating certain information.

(b-1) Requires the district clerk to maintain a current list indicating the name of each person permanently or temporarily exempt under this section and the period of the exemption.

(d) Prohibits a person included on the list maintained under Subsection (b-1), rather than a person listed on the register, from being summoned for jury service during the period for which the person is exempt. Prohibits the name of a person included on the list maintained under Subsection (b-1), rather than the name of a person listed on the register, from being placed in the jury wheel or otherwise used in preparing the record of names from which a jury list is selected during the period for which the person is exempt.

(e) Authorizes a person exempt from jury service under this section to rescind the exemption at any time by filing a signed request for the rescission with the district clerk, rather than the voter registrar, of the county.

SECTION 13. Amends Sections 62.113(a) and (b), Government Code, as follows:

(a) Requires the clerk of the court to maintain a list of the name and address of each person who is disqualified, rather than who is excused or disqualified, under Subchapter B (Juror Qualifications), Chapter 62 (Petit Juries), from jury service because the person is not a citizen of the United States.

(b) Makes a conforming change to this subsection.

SECTION 14. Amends Sections 62.114(a) and (b), Government Code, to make conforming changes.

SECTION 15. Amends Sections 62.115(c) and (d), Government Code, as follows:

(c) Requires, rather than authorizes, the district clerk to remove from the jury wheel the jury wheel card for the person whose name appears on the list.

(d) Requires the clerk, on the third business day of each month, to send a copy of the list of persons disqualified because of a conviction of misdemeanor theft or a felony to SOS, the voter registrar of the county, and the prosecuting attorney for a court to which a person was summoned for investigation into whether the person falsely made a claim related to a disqualification under Section 62.102(7) or (8). Deletes existing text requiring the clerk, on the third business day of each month, to send to SOS a copy of the list of persons disqualified because of a conviction of misdemeanor theft or a felony in the preceding month.

SECTION 16. Makes application of this Act prospective.

SECTION 17. Effective date: September 1, 2025.