

BILL ANALYSIS

H.B. 4088
By: Bonnen
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that jury duty is an essential public service and a cornerstone of democracy and that jurors who serve on lengthy and complicated trials must often suspend the course of their ordinary lives in the name of civic duty. While all qualifying citizens are required to respond if summoned, not every person can afford the potential impact that repeated lengthy jury trials may have on their lives. The bill author has further informed the committee that jurors are increasingly asked to serve on cases that involve traumatizing circumstances, including murder, human trafficking, crimes against minors, and family violence, which can cause lasting psychological distress on jurors. H.B. 4088 seeks to provide support to jurors performing their civic duty on cases involving certain offenses or lengthy cases by establishing a juror mental health services reimbursement program and by disqualifying a person who has previously served as a petit juror for three consecutive months from subsequent petit juror service for a certain period of time.

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 rulemaking authority is expressly granted to an applicable commissioner in SECTION 3 of this bill.

ANALYSIS

H.B. 4088 amends the Government Code to require the Health and Human Services Commission (HHSC), to the extent funds are appropriated to HHSC for that purpose, to establish a juror mental health services reimbursement program to reimburse a person's cost of obtaining mental health services related to the person's service as a juror or alternate juror in a criminal trial that involved a defendant charged with the following offenses:

- criminal homicide;
- a kidnapping, unlawful restraint, or smuggling of persons offense;
- a sexual offense;
- an assaultive offense; or
- an offense against the family.

The bill makes a person eligible to receive a payment under the program in the amount of \$150 if the person, as follows:

- served as a juror or alternate juror on a criminal trial that involved a defendant charged with an applicable offense in the 12 months immediately preceding the person's application for reimbursement under the program;
- provides HHSC the certificate of attendance described under the bill's provisions for the trial;

- obtained mental health services from a mental health professional related to the trial; and
- provides HHSC proof of payment for the mental health services.

The bill requires HHSC to provide the payment to an eligible person not later than the 90th day after the date HHSC receives the person's application for reimbursement. The bill defines "mental health professional" by reference to the Treatment Facilities Marketing Practices Act and "mental health services" by reference to Health and Safety Code provisions relating to services for persons with mental illness or an intellectual disability.

H.B. 4088 requires HHSC to publish information about the program on the HHSC website, including the following information:

- a description of the eligibility requirements;
- a description of mental health services eligible for reimbursement;
- instructions for submitting an application; and
- a list of mental health resources.

The bill authorizes an applicable commissioner to adopt rules necessary to implement the program.

H.B. 4088 requires a court presiding over a trial involving a defendant charged with an offense for which a juror or alternate juror may be eligible for reimbursement for mental health services under the program, to the extent funds are appropriated to HHSC for the program, to do the following for each person selected to serve as a juror or alternate juror in the trial:

- advise the person in writing about the availability of the program; and
- provide the person with a certificate of attendance at the completion of the trial that includes the person's name, the name of the court, the dates of the person's jury service, and each applicable offense with which the defendant was charged.

H.B. 4088 includes among the factors that disqualifies a person from petit jury service a person's service as a petit juror for three consecutive months during the preceding 60 months in the county court or district court. This provision applies only to the qualifications of a person summoned for jury service on or after the bill's effective date. The qualifications of a person summoned for jury service before the bill's effective date are governed by the law in effect on the date the summons was made, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.