

BILL ANALYSIS

Senate Research Center
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H.B. 4749
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Low populated counties in Texas often struggle to seat juries due to a limited number of eligible residents. Trials may be delayed or moved to other jurisdictions, which can be costly and inconvenient. For example, Loving County has not been able to hold a jury trial since at least 1992. Often, even when a county can get enough jurors together there is a very good chance that at least one of the jurors will know somebody involved in the trial and therefore disqualify them from participating.

This bill would allow counties with a population under 1,000 to select jurors from neighboring counties in the same judicial district as the summoning county. A person from a neighboring county must still meet all other jury qualifications with two exceptions. They do not need to be a citizen from the summoning county and they do not need to be qualified to vote in the summoning county. This will help small counties find enough jurors to prosecute crime in their communities.

H.B. 4749 amends current law relating to reconstitution of the petit jury wheel and grand juror and petit juror qualifications in certain counties.

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.101, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Creates an exception under Subsection (a-1).

(a-1) Provides that a person is not disqualified under certain provisions to serve as a grand juror in a county with a population of less than 1,000 if that person is a resident of a county contiguous to and within the same judicial district as the summoning county and qualified under the constitution and laws to vote in the contiguous county.

SECTION 2. Amends Article 19A.201, Code of Criminal Procedure, by adding Subsection (a-1), as follows:

(a-1) Authorizes grand jurors, notwithstanding Subsection (a) (relating to requiring the court to select 12 fair and impartial persons as grand jurors and four additional persons as alternate grand jurors), in a county with a population of less than 1,000, to be randomly selected from a fair cross section of the population of one or more counties contiguous to and within the same judicial district as the summoning county who hold a valid Texas driver's license or a valid personal identification card or certificate issued by the Texas Department of Public Safety (DPS) and are not disqualified from grand jury service under certain provisions.

SECTION 3. Amends Section 62.001, Government Code, by amending Subsections (a), (b), and (d) and adding Subsection (a-1), as follows:

(a) Requires the jury wheel, except as provided by Subsection (a-1), to be reconstituted by using, as the source, certain data, including all names on a current list to be furnished by DPS, showing the residents, rather than citizens, of the county who meets certain criteria. Makes a nonsubstantive change.

(a-1) Authorizes the jury wheel, in a county with a population of less than 1,000, to be reconstituted by using, in addition to the sources required under Subsection (a):

(1) the names of all persons on the current voter registration lists from all the precincts in one or more counties contiguous to and within the same judicial district as the summoning county; and

(2) all names on a list required by Subsection (a)(1) (relating to the names of all persons on the current voter registration lists from all the precincts in the county) showing the residents of one or more counties contiguous to and within the same judicial district as the summoning county who hold a valid Texas driver's license or a valid personal identification card or certificate issued by DPS and are not disqualified from jury service under certain provisions.

(b) Prohibits the names of persons listed on a register of persons exempt from jury service, notwithstanding Subsection (a) or (a-1), from being placed in the jury wheel, as provided by certain sections.

(d) Requires that the lists required by Subsections (a)(1) and (a-1)(1) exclude the names of persons on the suspense list maintained under Section 15.081 (Suspense List), Election Code.

SECTION 4. Amends Section 62.0132(g), Government Code, to make a conforming change.

SECTION 5. Amends Section 62.102, Government Code, as follows:

Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. (a) Creates this subsection from existing text. Creates an exception under Subsection (b).

(b) Provides that a person is not disqualified under certain provisions to serve as a juror in a county with a population of less than 1,000 if that person is a resident of a county contiguous to and within the same judicial district as the summoning county and qualified under the constitution and laws to vote in the contiguous county.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2025.