

BILL ANALYSIS

C.S.H.B. 4749
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, petit jury wheels must be reconstituted and grand juries must be selected using only certain individuals within the county who are registered to vote or hold a valid driver's license and who are not otherwise disqualified from jury service. The bill author has informed the committee that in rural counties with extremely small populations, a limited pool of qualified individuals can result in a jury selection that is too small, making it difficult to reliably seat impartial juries. C.S.H.B. 4749 aims to address this challenge and expand the petit jury wheel and pool from which grand jurors are selected in counties with a population of less than 1,000 by providing for certain exceptions from standard jury qualification requirements.

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

ANALYSIS

C.S.H.B. 4749 amends the Code of Criminal Procedure to authorize the random selection of grand jurors in a county with a population of less than 1,000 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 meet the following criteria:

- hold a valid Texas driver's license or a valid personal identification card or certificate issued by the Department of Public Safety (DPS); and
- are not disqualified from grand jury service under state law based on the requirements to be at least 18 years of age, to be a U.S. citizen, or not have been convicted of misdemeanor theft or felony.

Accordingly, the bill excepts a person from the requirement to be a resident of Texas and of the county in which the person is to serve as a grand juror and to be qualified under the constitution and other laws to vote in that county for purposes of serving as a grand juror in a county with a population of less than 1,000 if that person meets the following criteria:

- is a resident of a county contiguous to and within the same judicial district as the summoning county; and
- is qualified under the constitution and laws to vote in the contiguous county.

C.S.H.B. 4749 amends the Government Code to authorize the jury wheel of a county with a population of less than 1,000 to be reconstituted, in addition to the sources required for the jury wheel of a county under current law, by using the following:

- 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

- all names on such a list 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 state law based on the requirements to be at least 18 years of age, to be a citizen of the United States, or not have been convicted of misdemeanor theft or felony.

The bill extends the applicability of the requirement that the current voter registration lists from all precincts in the county for purposes of the reconstitution of the jury wheel of a county exclude the names of persons on the voter suspense list maintained by the county voter registrar to the current voter registration list from all the precincts in one or more counties contiguous to and within the same judicial district as the summoning county used under the bill's provisions.

Accordingly, C.S.H.B. 4749 excepts a person from the requirement to be a resident of Texas and the county in which the person is to serve as a juror and to be qualified under the constitution and laws to vote in that county for purposes of serving as a petit juror in a county with a population of less than 1,000 if that person meets the following criteria:

- is a resident of a county contiguous to and within the same judicial district as the summoning county; and
- is qualified under the constitution and laws to vote in the contiguous county.

C.S.H.B. 4749 applies only to the qualifications of a person summoned for grand jury or petit jury service on or after the bill's effective date. The qualifications of a person summoned for grand jury or petit jury service before that date are governed by the law in effect on the date the summons was made, and the former law is continued in effect for those purposes.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4749 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following provisions not present in the introduced:

- an authorization for the random selection of grand jurors in a county with a population of less than 1,000 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 meet specified criteria; and
- a provision excepting a person from certain residency and voter qualification requirements for purposes of serving as a grand juror in a county with a population of less than 1,000 if that person meets certain criteria regarding the person's county of residence and voter qualification in an applicable county.

The substitute lowers the population of a county that may reconstitute the jury wheel and in which a person is excepted from certain residency requirements for purposes of serving as a petit juror under the bill's provisions from less than 25,000, as in the introduced, to less than 1,000. With respect to the conditions under which certain sources may be used to reconstitute the jury wheel of an applicable county under the bill's provisions, the substitute includes a condition absent from the introduced that the names of all persons on the current voter registration lists from all the precincts in one or more counties must be within the same judicial district as the summoning county.