

By: Hughes

S.B. No. 1647

A BILL TO BE ENTITLED

AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 19A.051(c), Code of Criminal Procedure, is amended to read as follows:

(c) The judge shall test the qualifications for and exemptions ~~[excuses]~~ from service as a grand juror and impanel the completed grand jury as provided by this chapter.

SECTION 2. The heading to Subchapter C, Chapter 19A, Code of Criminal Procedure, is amended to read as follows:

SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXEMPTIONS ~~[EXCUSES]~~
FROM SERVICE

SECTION 3. Article 19A.101, Code of Criminal Procedure, is amended to read as follows:

Art. 19A.101. GRAND JUROR QUALIFICATIONS; LISTS OF DISQUALIFIED PERSONS. (a) A person may be selected or serve as a grand juror only if the person:

- (1) is at least 18 years of age;
- (2) is a citizen of the United States;
- (3) is a resident of this state and of the county in which the person is to serve;
- (4) is qualified under the constitution and other laws

1 to vote in the county in which the grand jury is sitting, regardless
2 of whether the person is registered to vote;

3 (5) is of sound mind and good moral character;

4 (6) is able to read and write;

5 (7) has never been convicted of misdemeanor theft [~~or~~
6 ~~a felony~~];

7 (8) has never been convicted of a felony;

8 (9) is not under indictment or other legal accusation
9 for misdemeanor theft or a felony;

10 (10) [~~(9)~~] is not related within the third degree by
11 consanguinity or second degree by affinity, as determined under
12 Chapter 573, Government Code, to any person selected to serve or
13 serving on the same grand jury;

14 (11) [~~(10)~~] has not served as a grand juror in the year
15 before the date on which the term of court for which the person has
16 been selected as a grand juror begins; and

17 (12) [~~(11)~~] is not a complainant in any matter to be
18 heard by the grand jury during the term of court for which the
19 person has been selected as a grand juror.

20 (b) On the third business day of each month, the clerk of the
21 district court shall prepare:

22 (1) a list of persons who in the preceding month were
23 disqualified from serving as a grand juror based on the person's
24 citizenship [~~or indictment or conviction for misdemeanor theft or a~~
25 ~~felony~~] and send a copy of the list to:

26 (A) [~~(1)~~] the secretary of state;

27 (B) the voter registrar for the county in which

1 the grand jury is sitting; and

2 (C) [~~(2)~~] the prosecuting attorney for the court
3 to which the grand jurors were summoned for investigation into
4 whether any person made a false claim concerning the person's
5 qualification under Subsection (a)(2) [~~, (7), or (8)~~];

6 (2) a list of persons who in the preceding month were
7 disqualified from serving as a grand juror based on the person's
8 residency and send a copy of the list to:

9 (A) the secretary of state; and

10 (B) the voter registrar for the county in which
11 the grand jury is sitting; and

12 (3) a list of persons who in the preceding month were
13 disqualified from serving as a grand juror based on the person's
14 indictment for misdemeanor theft or a felony or a conviction for
15 misdemeanor theft or a felony and send a copy of the list to:

16 (A) the secretary of state;

17 (B) the voter registrar for the county in which
18 the grand jury is sitting; and

19 (C) the prosecuting attorney for the court to
20 which the grand jurors were summoned for investigation into whether
21 any person made a false claim concerning the person's qualification
22 under Subsection (a)(7), (8), or (9).

23 SECTION 4. Article [19A.105](#), Code of Criminal Procedure, is
24 amended to read as follows:

25 Art. 19A.105. EXCUSE AND EXEMPTION [~~EXCUSES~~] FROM GRAND
26 JURY SERVICE. (a) The court shall excuse from serving any summoned
27 person who does not possess the requisite qualifications or who

1 claims an exemption to which the person is entitled.

2 (b) The following qualified persons may be exempted
3 ~~[excused]~~ from grand jury service:

4 (1) a person 75 ~~[older than 70]~~ years of age or older;

5 (2) a person responsible for the care of a child who is
6 younger than 18 years of age and who will be without adequate
7 supervision if the person serves on the grand jury;

8 (3) a student of a public or private secondary school;

9 (4) a person enrolled in and in actual attendance at an
10 institution of higher education; and

11 (5) any other person the court determines has a
12 reasonable excuse from service.

13 SECTION 5. Subchapter C, Chapter 19A, Code of Criminal
14 Procedure, is amended by adding Articles 19A.106 and 19A.107 to
15 read as follows:

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

20 (b) A person may claim a permanent exemption by filing with
21 the district clerk or the clerk of a district court in the county,
22 through an electronic transmission, mail, or personal delivery, a
23 signed statement affirming the person is 75 years of age or older
24 and desires a permanent exemption on that ground.

25 (c) The district clerk shall maintain a current register of
26 the name of each person who resides in the county and who has
27 claimed and is entitled to a permanent exemption from grand jury

1 service because the person is 75 years of age or older.

2 (d) On the third business day of each month, the district
3 clerk shall prepare a list of persons who in the preceding month
4 were permanently exempted from serving as a grand juror under this
5 article and send a copy of the list to the secretary of state and the
6 voter registrar of each county served by the clerk.

7 (e) A person whose name appears on the register of persons
8 permanently exempted from serving as a grand juror under this
9 article may not be selected or summoned for grand jury service by
10 any district judge in the county.

11 (f) A person who has claimed a permanent exemption from jury
12 service under this article may rescind the exemption at any time by
13 filing a signed request for the rescission with the district clerk
14 or the clerk of a district court in the county. Rescission of a
15 permanent exemption does not affect the right of a person who is 75
16 years of age or older to claim a permanent exemption at a later
17 time.

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

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

25 (c) A person whose name appears on the list maintained under
26 this article may not be selected or summoned for grand jury service
27 by any judge of a district court served by the clerk.

1 (d) On the third business day of each month, the district
2 clerk shall send a copy of the list maintained under this article
3 to;

4 (1) the secretary of state;

5 (2) the voter registrar for the county in which the
6 grand jury is sitting; and

7 (3) the prosecuting attorney for the court to which
8 the grand jurors were summoned for investigation into whether any
9 person made a false claim concerning the person's qualification
10 under Article 19A.101(a)(7)and(8).

11 SECTION 6. Section 62.001, Government Code, is amended by
12 amending Subsections (a) and (b) to read as follows:

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

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

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

20 (A) hold a valid Texas driver's license or a
21 valid personal identification card or certificate issued by the
22 department; and

23 (B) are not disqualified from jury service under
24 Section 62.102(1), (2), (3), (7), or (8).

25 (b) Notwithstanding Subsection (a), the names of persons
26 listed on a register of persons exempt from jury service may not be
27 placed in the jury wheel, as provided by Sections 62.108[7] and

1 62.109 [~~62.113, 62.114, and 62.115~~].

2 SECTION 7. Section 62.0132(g), Government Code, is amended
3 to read as follows:

4 (g) The information contained in a completed questionnaire
5 may be disclosed to:

6 (1) a judge assigned to hear a cause of action in which
7 the respondent to the questionnaire is a potential juror;

8 (2) court personnel;

9 (3) a litigant and a litigant's attorney in a cause of
10 action in which the respondent to the questionnaire is a potential
11 juror; and

12 (4) other than information provided that is related to
13 Section 62.102(2), (3), (7), (8), or (9) [~~62.102(8) or (9)~~], the
14 voter registrar of a county in connection with any matter of voter
15 registration or the administration of elections.

16 SECTION 8. Section 62.102, Government Code, is amended to
17 read as follows:

18 Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. A
19 person is disqualified to serve as a petit juror unless the person:

20 (1) is at least 18 years of age;

21 (2) is a citizen of the United States;

22 (3) is a resident of this state and of the county in
23 which the person is to serve as a juror;

24 (4) is qualified under the constitution and laws to
25 vote in the county in which the person is to serve as a juror;

26 (5) is of sound mind and good moral character;

27 (6) is able to read and write;

(7) ~~[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,~~

~~[(8)]~~ has not been convicted of misdemeanor theft ~~[or a felony]~~; ~~[and]~~

(8) has not been convicted of a felony;

(9) is not under indictment or other legal accusation for misdemeanor theft or a felony; and

(10) 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.

SECTION 9. Section 62.106(a), Government Code, is amended to read as follows:

(a) A person qualified to serve as a petit juror may establish an exemption from jury service if the person:

(1) is ~~[over]~~ 75 years of age or older;

(2) has legal custody of a child younger than 12 years of age and the person's service on the jury requires leaving the child without adequate supervision;

(3) is a student of a public or private secondary school;

(4) is a person enrolled and in actual attendance at an institution of higher education;

(5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;

1 (6) is summoned for service in a county with a
2 population of at least 200,000, unless that county uses a jury plan
3 under Section 62.011 and the period authorized under Section
4 62.011(b)(5) exceeds two years, and the person has served as a petit
5 juror in the county during the 24-month period preceding the date
6 the person is to appear for jury service;

7 (7) is the primary caretaker of a person who is unable
8 to care for himself or herself;

9 (8) except as provided by Subsection (b), is summoned
10 for service in a county with a population of at least 250,000 and
11 the person has served as a petit juror in the county during the
12 three-year period preceding the date the person is to appear for
13 jury service; or

14 (9) is a member of the United States military forces
15 serving on active duty and deployed to a location away from the
16 person's home station and out of the person's county of residence.

17 SECTION 10. Section 62.107(c), Government Code, is amended
18 to read as follows:

19 (c) A person who files a statement with a clerk of the court,
20 as provided by Subsection (a), claiming an exemption because the
21 person is ~~[over]~~ 75 years of age or older, may also claim the
22 permanent exemption on that ground authorized by Section 62.108 by
23 including in the statement filed with the clerk a declaration that
24 the person desires the permanent exemption. The ~~[Promptly after a~~
25 ~~statement claiming a permanent exemption on the basis of age is~~
26 ~~filed, the]~~ clerk of the court with whom the declaration ~~[it]~~ is
27 filed shall notify ~~[have a copy delivered to]~~ the voter registrar of

1 the county.

2 SECTION 11. Section 62.108, Government Code, is amended by
3 amending Subsections (a), (b), (c), and (e) and adding Subsection
4 (c-1) to read as follows:

5 (a) A person who is entitled to exemption from jury service
6 because the person is ~~over~~ 75 years of age or older may establish
7 a permanent exemption on that ground as provided by this section or
8 Section 62.107.

9 (b) A person may claim a permanent exemption:

10 (1) by filing with the district clerk ~~[voter~~
11 ~~registrar]~~ of the county, by mail or personal delivery, a signed
12 statement affirming that the person is ~~over~~ 75 years of age or
13 older and desires a permanent exemption on that ground; or

14 (2) in the manner provided by Section 62.107(c).

15 (c) The district clerk ~~[voter registrar]~~ of the county shall
16 maintain a current register indicating the name of each person who
17 has claimed and is entitled to a permanent exemption from jury
18 service because the person is ~~over~~ 75 years of age or older.

19 (c-1) On the third business day of each month, the district
20 clerk shall prepare a list of persons who in the preceding month
21 claimed and were entitled to a permanent exemption under this
22 section and send a copy of the list to the secretary of state and the
23 voter registrar of each county served by the clerk.

24 (e) A person who has claimed a permanent exemption from jury
25 service because the person is ~~over~~ 75 years of age or older may
26 rescind the exemption at any time by filing a signed request for the
27 rescission with the voter registrar of the county. Rescission of a

1 permanent exemption does not affect the right of a person who is
2 ~~[over]~~ 75 years of age or older to claim permanent exemption at a
3 later time.

4 SECTION 12. Section 62.109, Government Code, is amended by
5 amending Subsections (a), (b), (d), and (e) and adding Subsection
6 (b-1) to read as follows:

7 (a) The judge of a district court or the district clerk ~~[by~~
8 ~~order]~~ may permanently or for a specified period exempt from
9 service as a juror in all the county and district courts in the
10 county a person with a physical or mental impairment or with an
11 inability to comprehend or communicate in the English language that
12 makes it impossible or very difficult for the person to serve on a
13 jury.

14 (b) A person requesting an exemption under this section must
15 submit to the court or the district clerk an affidavit stating the
16 person's name and address and the reason for and the duration of the
17 requested exemption. A person requesting an exemption due to a
18 physical or mental impairment must attach to the affidavit a
19 statement from a physician. The affidavit and physician's
20 statement may be submitted to the court at the time the person is
21 summoned for jury service or at any other time.

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

25 (d) A person included on the list maintained under
26 Subsection (b-1) ~~[listed on the register]~~ may not be summoned for
27 jury service during the period for which the person is exempt. The

1 name of a person included on the list maintained under Subsection
2 (b-1) [~~listed on the register~~] may not be placed in the jury wheel
3 or otherwise used in preparing the record of names from which a jury
4 list is selected during the period for which the person is exempt.

5 (e) A person exempt from jury service under this section may
6 rescind the exemption at any time by filing a signed request for the
7 rescission with the district clerk [~~voter registrar~~] of the county.

8 SECTION 13. Sections 62.113(a) and (b), Government Code,
9 are amended to read as follows:

10 (a) The clerk of the court shall maintain a list of the name
11 and address of each person who is [~~excused or~~] disqualified under
12 this subchapter from jury service because the person is not a
13 citizen of the United States.

14 (b) On the third business day of each month, the clerk shall
15 send a copy of the list of persons [~~excused or~~] disqualified because
16 of citizenship in the previous month to:

- 17 (1) the voter registrar of the county;
- 18 (2) the secretary of state; and
- 19 (3) the county or district attorney for an
20 investigation of whether the person committed an offense under
21 Section 13.007, Election Code, or other law.

22 SECTION 14. Sections 62.114(a) and (b), Government Code,
23 are amended to read as follows:

24 (a) The clerk of the court shall maintain a list containing
25 the name and address of each person who is [~~excused or~~] disqualified
26 under this subchapter from jury service because the person is not a
27 resident of the county.

1 (b) On the third business day of each month, the clerk shall
2 send a copy of the list of persons [~~excused or~~] disqualified in the
3 previous month because the persons do not reside in the county to:

4 (1) the voter registrar of the county; and

5 (2) the secretary of state.

6 SECTION 15. Sections 62.115(c) and (d), Government Code,
7 are amended to read as follows:

8 (c) The district clerk shall [~~may~~] remove from the jury
9 wheel the jury wheel card for the person whose name appears on the
10 list.

11 (d) On the third business day of each month, the clerk shall
12 send a list of the persons disqualified based on the person's
13 conviction for misdemeanor theft or a felony to:

14 (1) the secretary of state;

15 (2) the voter registrar of the county; and

16 (3) the prosecuting attorney for a court to which a
17 person was summoned for investigation into whether the person
18 falsely claimed a disqualification under Section 62.102(a)(7) or
19 (8) [to the secretary of state a copy of the list of persons
20 disqualified because of a conviction of misdemeanor theft or a
21 felony in the preceding month].

22 SECTION 16. Section 30.0071, Civil Practice and Remedies
23 Code, as added by this Act, applies only to a jury demand filed on or
24 after the effective date of this Act. A jury demand filed before
25 the effective date of this Act is governed by the law in effect when
26 the demand was filed, and the former law is continued in effect for
27 that purpose.

1 SECTION 17. The changes in law made by this Act apply only
2 to a person who is summoned to appear for service on a grand jury or
3 petit jury on or after the effective date of this Act. A person who
4 is summoned to appear for service on a grand jury or petit jury
5 before the effective date of this Act is governed by the law in
6 effect on the date the person was summoned, and the former law is
7 continued in effect for that purpose.

8 SECTION 18. This Act takes effect September 1, 2025.