

BILL ANALYSIS

C.S.H.B. 1103
By: Hernandez
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned that the secretary of state does not have clear guidance as to which address to include in the combined list sent to county voter registrars for the purpose of reconstituting a county jury wheel if different addresses for a person are provided in the applicable lists submitted to the secretary by county voter registrars and the Department of Public Safety. C.S.H.B. 1103 seeks to address this issue by requiring the combined list to include only the address submitted by the voter registrar in such a case.

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. 1103 amends the Government Code to replace the authorization for the current voter registration list from all the precincts in a county furnished by the voter registrar of each county to the secretary of state to exclude, at the option of the applicable voter registrar, the names of persons on the suspense list maintained by the registrar with a requirement that the list of names of all persons on the current voter registration lists from all the precincts in a county, which constitutes a source for purposes of reconstituting the county jury wheel, exclude the names of persons on the applicable suspense list.

C.S.H.B. 1103 requires the combined list prepared by the secretary of state for the purpose of reconstituting a county jury wheel to include only the address of a person submitted by the voter registrar of a county if the lists provided to the secretary by the voter registrar and the Department of Public Safety for such purpose provide different addresses for the person.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1103 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 62.001(g), Government Code, is amended to read as follows:

(g) The secretary of state shall accept the lists furnished as provided by Subsections (c) through (f). The secretary of state shall combine the lists, eliminate duplicate names, and send the combined list to each county on or before December 31 of each year or as may be required under a plan developed in accordance with Section 62.011. If the lists provide different addresses for a person, the combined list prepared by the secretary of state must include only the address submitted by the voter registrar. The district clerk or bailiff designated as the officer in charge of the jury selection process for a county that has adopted a plan under Section 62.011 shall give the secretary of state notice not later than the 90th day before the date the list is required. The list furnished the county must be in a format, electronic or printed copy, as requested by the county and must be certified by the secretary of state stating that the list contains the names required by Subsections (c) through (f), eliminating duplications. The secretary of state shall furnish the list free of charge.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 62.001(d) and (g), Government Code, are amended to read as follows:

(d) The list required by Subsection (a)(1) must ~~[(e) may]~~ exclude~~[-, at the option of the voter registrar of each county,]~~ the names of persons on the suspense list maintained under Section 15.081, Election Code.

(g) The secretary of state shall accept the lists furnished as provided by Subsections (c) through (f). The secretary of state shall combine the lists, eliminate duplicate names, and send the combined list to each county on or before December 31 of each year or as may be required under a plan developed in accordance with Section 62.011. If the lists provide different addresses for a person, the combined list prepared by the secretary of state must include only the address submitted by the voter registrar. The district clerk or bailiff designated as the officer in charge of the jury selection process for a county that has adopted a plan under Section 62.011 shall give the secretary of state notice not later than the 90th day before the date the list is required. The list furnished the county must be in a format, electronic or printed copy, as requested by the county and must be certified by the secretary of state stating that the list contains the names required by Subsections (c) through (f), eliminating duplications. The secretary of state shall furnish the list free of charge.

SECTION 2. Same as introduced version.