

SUBJECT: Amending the organization of a grand jury

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson
0 nays

WITNESSES: For — Kathy Swilley, Johnny Mata, Kathy Self, Greater Houston Coalition For Justice; Patsy Pate, Greater Houston Coalition for Justice/Victims' Rights Committee; Collette Flanagan, Kristi Lara, Mothers Against Police Brutality; Patricia Cummings, Texas Criminal Defense Lawyers Association; Fidel Acevedo, Texas League of United Latin Americans Citizens; (*Registered, but did not testify*: Hai Bui, Greater Houston Coalition for Justice; Tiana Sanford, Montgomery County District Attorney's Office; Sarah Pahl, Texas Criminal Justice Coalition; Amanda Marzullo, Texas Defender Service; Yannis Banks, Texas NAACP)

Against — Bob Perkins

BACKGROUND: Code of Criminal Procedure, art. 19 allows jury commissioners appointed by the district judge to select prospective grand jurors from the community at large. The jury commissioners must meet certain qualifications, including that they can read and write in English, are qualified jurors, have no suit in court that requires a jury, are residents of different portions of the county, and have not served as jury commissioner within the last year.

Art. 19.23 also requires that jurors already be questioned on whether they have been convicted of or under indictment for a felony. The jurors are not questioned on misdemeanor offenses.

DIGEST: CSHB 282 would remove provisions requiring jury selection by jury commissioners as a method for organizing a grand jury, and would remove the provisions regarding commissioner qualifications. The bill

also would require a judge to direct that 20 to 125 prospective grand jurors be selected and summoned in the same way as panels for the trial of civil cases in district courts.

The bill would require that when testing the qualifications of a grand juror, the person be asked if he or she has ever been convicted of misdemeanor theft, or if they are under indictment or legal accusation for misdemeanor theft.

The bill would require the court to select 12 individuals to serve as grand jurors and two additional individuals to serve as alternate grand jurors. The bill would allow the selection to be made only when at least 14 qualified jurors were present.

The bill would add that a person would be considered unavailable to serve on a grand jury for any reason determined by the court as constituting good cause for dismissing a juror. The bill also would repeal several sections in the Code of Criminal Appeals regarding organization of the grand jury, and part of a section of the Government Code regarding empaneling a grand jury.

This bill would take effect September 1, 2015.