

SUBJECT: Authorizing judges to substitute numbers for names when polling jurors

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Smithee, Farrar, Gutierrez, Hernandez, Laubenberg, Murr,
Neave, Rinaldi, Schofield

0 nays

SENATE VOTE: On final passage, March 1 — 31-0

WITNESSES: *On House companion bill, HB 1136:*
For — (*Registered, but did not testify:* Deece Eckstein, Travis County
Commissioners Court; Darwin Hamilton)

Against — None

On — Margie Johnson, Office of Court Administration

BACKGROUND: Code of Criminal Procedure, art. 37.05 gives the state or the defendant in
a case the right to poll the jury, which is done by calling separately the
name of each juror and asking if the verdict is the juror's.

DIGEST: SB 46 would allow a judge to assign to each juror an identification
number to be used instead of the juror's name when polling the jury.

The bill also would specify that the state and the defendant each had the
right to poll the jury.

The bill would take effect September 1, 2017.

SUPPORTERS
SAY: SB 46 would allow judges to protect jurors in cases where calling out their
names in open court could pose a safety risk, particularly in controversial
cases and violent crimes cases. The bill would codify many judges' current
practice of using numbers instead of names to preserve jurors' anonymity
when security concerns warrant it.

OPPONENTS
SAY: No apparent opposition.

NOTES: A companion bill, HB 1136 by Y. Davis, was considered in a public hearing of the House Committee on Judiciary and Civil Jurisprudence on April 18 and left pending.