

## **BILL ANALYSIS**

Senate Research Center  
78R3653 BDH-D

H.B. 830  
By: Hughes (Ratliff)  
Criminal Justice  
5/22/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, both the Texas Code of Criminal Procedure and the Texas Constitution require all cases tried in a district court have a jury comprised of twelve jurors, regardless of the class of the alleged offense. Class A or B misdemeanors requiring trial are tried in front of a six-person jury. However, district courts which routinely and extensively try Class A and B misdemeanor cases are still required to use twelve-member juries, although only six-member juries are required in other courts for the same cases. H.B. 830 is the enacting legislation for a constitutional amendment allowing for misdemeanors tried in district courts to be tried before six-person juries.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 33.01, Code of Criminal Procedure, as follows:

Art. 33.01. New heading: JURY SIZE. (a) Requires the jury, in the district court, to consist of twelve qualified jurors, except as provided by Subsection (b). Requires the jury to consist of six qualified jurors, in the county court and inferior courts. Makes nonsubstantive changes.

(b) Requires the district court jury to consist of six qualified jurors, in a trial involving a misdemeanor offense.

SECTION 2. Provides that this Act takes effect January 1, 2004, but only if the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, permitting six-person juries in district court misdemeanor trials is approved by the voters. Provides that if that amendment is not approved by the voters, this Act has no effect.