

BILL ANALYSIS

Senate Research Center
78R3652 BDH-D

H.J.R. 44
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 that 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 that 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.J.R. 44 proposes a constitutional amendment to permit a six-person jury in a district court misdemeanor trial.

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 Section 13, Article V, Texas Constitution, to require grand and petit juries in the district courts to be composed of twelve persons, except that petit juries in a criminal case below the grade of felony shall be composed of six persons. Deletes existing text relating the number of jury members in trials of criminal cases below the grade of felony.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003. Requires the ballot to be printed to permit voting for or against the certain proposition.