

## **BILL ANALYSIS**

Senate Research Center  
79R1299 QS-D

H.B. 2414  
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Jurisprudence  
5/11/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, Texas law allows for the sharing of a jury panel or pool only in counties with two or more district courts. Separate provisions provide a method for organizing and utilizing the jury pool in a county with two district courts and in counties with three or more district courts. In counties where Section 62.017 (Interchangeable Jurors in Certain Other Counties), Government Code, applies, the judges may approve the panel for use in all courts in the county.

Many counties have one district court and one county court at law, especially in rural areas of Texas. Section 62.017, Government Code, does not apply to these counties, and therefore, each court in the county is required to call its own jury panel or pool. This results in an inconvenience to the public and an expense to the county.

H.B. 2414 makes it possible for counties to better utilize jury pools.

### **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 62.004(a), Government Code, to require the district clerk and the sheriff or any constable of the county to draw the name of the prospective jurors for a justice court, county court at law, or a district court from the jury wheel in the presence and under the direction of the district judge.

SECTION 2. Amends Subchapter A, Chapter 62, Government Code, by adding Section 62.0175, as follows:

Sec. 62.0175. INTERCHANGEABLE JURORS IN COUNTIES WITH A SINGLE DISTRICT COURT AND A SINGLE COUNTY COURT AT LAW WITH CONCURRENT JURISDICTION. (a) Authorizes, in a county with only one district court and only one county court at law that has concurrent jurisdiction with the district court in any matter, the judges of the two courts to meet at a time set by them and determine the approximate number of prospective jurors that are reasonably necessary for each week of the year for a general panel of jurors for service in both courts. Requires the judges to act together to carry out the provisions of this section.

(b) Authorizes the judges to order that the number of names of prospective jurors that they determine is reasonably necessary for each week's general panel be drawn from the jury wheel. Authorizes them to order the drawing of names of prospective jurors for as many weeks in advance as they consider proper and to increase or decrease the number of names drawn for a week.

(c) Requires a general panel to report to the district judge for jury service, and the district to judge to organize, control, and supervise the members of the general panel.

(d) Requires the sheriff to notify the persons whose names are drawn from the jury wheel to appear before the district judge for jury service. Requires the judge

to hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

(e) Provides that, when impaneled, the prospective jurors constitute a general panel for services as jurors in both courts and requires them to be used interchangeably in those courts. Authorizes prospective jurors impaneled under this section, with the approval of both judges, to constitute a general panel for service as jurors in the justice courts, the county court, and all other county courts at law in the county, in addition to service as jurors in the district court and the county court at law that has concurrent jurisdiction. Requires, in that event, the general panel to be used interchangeably in the district court, county court, county courts at law, and justice courts.

(f) Requires the district judge, in the event of a deficiency of jurors to satisfy the jury requirements of any of the courts, to order sufficient additional names drawn to meet the emergency. Requires the names of additional jurors for the general panel to be drawn from the jury wheel except as provided by Section 62.011 (Electronic or Mechanical Method of Selection). Provides that the additional jurors act only as special jurors and requires them to be discharged as soon as their services are no longer required.

(g) Requires the district judge, if it becomes necessary to reduce the number of persons on the general panel for the week of its selection because of a lack of work in a court or for other cause, to cause the clerk to draw from the general panel the number of names that the judge determines is required for the week. Requires the prospective jurors whose names are drawn to continue to serve on the general panel for the remainder of the week, and provides that the others are excused.

(h) Provides that, except as modified by this section and Section 62.011 (Electronic or Mechanical Method of Selection), the law governing jury wheels applies in the counties that use general panels interchangeably in their courts.

(i) Provides that this section does not apply to a selection of jurors in a capital case or a mental health commitment.

SECTION 3. Amends Section 62.302, Government Code, as follows:

Sec. 62.302. DRAWING NAMES FOR JURY SERVICE IN CERTAIN COUNTY COURTS. (a) Deletes existing text make this section applicable to a county judge or judge of a county court at law in a county with at least two county courts at law. Makes a conforming change.

(b) Makes conforming and nonsubstantive changes.

(c) Makes a conforming change.

SECTION 4. Effective date: upon passage or September 1, 2005.