

BILL ANALYSIS

Senate Research Center
79R10317 RMB-D

H.B. 75
By: Hope (Duncan)
Jurisprudence
5/11/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, a court's designee may hear and determine an excuse offered for not serving as a juror, but the designee does not have the ability to discharge the juror or postpone the prospective juror's service. The actual discharge has to be done by a judge.

H.B. 75 gives a court's designee the ability to both hear and discharge a prospective juror in a civil and criminal case. The bill, which is permissive, will only occur if the measure is first approved by the county commissioners court.

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 Sections 1 and 2, Article 35.03, Code of Criminal Procedure, as follows:

Sec. 1. Requires the court, except as provided by Sections 2 and 3 of this article, to hear and determine excuses offered for not serving as a juror, including any claim of an exemption or a lack of qualification, and if the court considers, rather than deems, the excuse sufficient, requires the court is to discharge the prospective juror or postpone the prospective juror's service to a date specified by the court, as appropriate. Makes a conforming change.

Sec. 2. Authorizes the court's designee to discharge the prospective juror or postpone the prospective juror's service to a date specified by the court's designee, as appropriate, if certain conditions are met. Makes conforming changes.

SECTION 2. Amends Sections 62.110(a) and (b), Government Code, as follows:

(a) Authorizes a court, except as provided by this section, to hear any reasonable sworn excuse of a prospective juror, including any claim of an exemption or lack of qualification, and if the excuse is considered sufficient the court is required to release him from jury service entirely or until another day of the term, as appropriate.

(b) Makes conforming changes.

SECTION 3. Provides that this Act applies only to persons summoned to appear for jury service on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2005.