

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Alvarado, Herrero, Riddle, Moody, Wu

H.B. No. 2150

A BILL TO BE ENTITLED

AN ACT

relating to the organization of a grand jury and qualifications for service as a grand juror.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. APPOINTMENT OF GRAND JURY [~~COMMISSIONERS, SELECTION WITHOUT JURY COMMISSION~~]. [~~(a)~~] The [~~district judge, at or during any term of court, shall appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. Such commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they shall possess the following qualifications:~~

[~~1. Be intelligent citizens of the county and able to read and write the English language,~~

[~~2. Be qualified jurors in the county,~~

[~~3. Have no suit in said court which requires intervention of a jury,~~

[~~4. Be residents of different portions of the county, and~~

[~~5. The same person shall not act as jury commissioner more~~

1 ~~than once in any 12-month period.~~

2       ~~[(b) In lieu of the selection of prospective jurors by means~~  
3 ~~of a jury commission, the]~~ district judge shall ~~[may]~~ direct that 20  
4 to 125 prospective grand jurors be selected and summoned, with  
5 return on summons, in the same manner as for the selection and  
6 summons of panels for the trial of civil cases in the district  
7 courts. The judge shall try the qualifications for and excuses from  
8 service as a grand juror and impanel the completed grand jury ~~[in~~  
9 ~~the same manner]~~ as provided by this chapter ~~[for grand jurors~~  
10 ~~selected by a jury commission].~~

11       SECTION 2. Article 19.07, Code of Criminal Procedure, is  
12 amended to read as follows:

13       Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND  
14 JURORS SHALL SIT. If prior to the expiration of the term for which  
15 the grand jury was impaneled, it is made to appear by a declaration  
16 of the foreman or of a majority of the grand jurors in open court,  
17 that the investigation by the grand jury of the matters before it  
18 cannot be concluded before the expiration of the term, the judge of  
19 the district court in which said grand jury was impaneled may, by  
20 the entry of an order on the minutes of said court, extend, from  
21 time to time, for the purpose of concluding the investigation of  
22 matters then before it, the period during which said grand jury  
23 shall sit, for not to exceed a total of ninety days after the  
24 expiration of the term for which it was impaneled, and all  
25 indictments pertaining thereto returned by the grand jury within  
26 said extended period shall be as valid as if returned before the  
27 expiration of the term. ~~[The extension of the term of a grand jury~~

1 ~~under this article does not affect the provisions of Article 19.06~~  
2 ~~relating to the selection and summoning of grand jurors for each~~  
3 ~~regularly scheduled term.]~~

4 SECTION 3. Article 19.08, Code of Criminal Procedure, is  
5 amended to read as follows:

6 Art. 19.08. QUALIFICATIONS. No person shall be selected or  
7 serve as a grand juror who does not possess the following  
8 qualifications:

9 1. The person must be a citizen of the state, and of  
10 the county in which the person is to serve, and be qualified under  
11 the Constitution and laws to vote in said county, provided that the  
12 person's failure to register to vote shall not be held to disqualify  
13 the person in this instance;

14 2. The person must be of sound mind and good moral  
15 character;

16 3. The person must be able to read and write;

17 4. The person must not have been convicted of  
18 misdemeanor theft or a felony;

19 5. The person must not be under indictment or other  
20 legal accusation for misdemeanor theft or a felony;

21 6. The person must not be related within the third  
22 degree of consanguinity or second degree of affinity, as determined  
23 under Chapter 573, Government Code, to any person selected to serve  
24 or serving on the same grand jury;

25 7. The person must not have served as grand juror [~~or~~  
26 ~~jury commissioner~~] in the year before the date on which the term of  
27 court for which the person has been selected as grand juror begins;

1 and

2           8. The person must not be a complainant in any matter  
3 to be heard by the grand jury during the term of court for which the  
4 person has been selected as a grand juror.

5           SECTION 4. Article 19.19, Code of Criminal Procedure, is  
6 amended to read as follows:

7           Art. 19.19. JURORS TO ATTEND FORTHWITH. The jurors  
8 provided for in Article 19.18 [~~the two preceding Articles~~] shall be  
9 summoned in person to attend before the court forthwith.

10          SECTION 5. Article 19.20, Code of Criminal Procedure, is  
11 amended to read as follows:

12          Art. 19.20. TO SUMMON QUALIFIED PERSONS. On [~~Upon~~]  
13 directing the sheriff to summon grand jurors [~~not selected by the~~  
14 ~~jury commissioners~~], the court shall instruct the sheriff [~~him~~]  
15 that the sheriff [~~he~~] must not summon any [~~no~~] person to serve as a  
16 grand juror who does not possess the qualifications prescribed by  
17 law.

18          SECTION 6. Article 19.26(b), Code of Criminal Procedure, is  
19 amended to read as follows:

20          (b) The grand jury is composed of not more than twelve  
21 qualified jurors. In addition, the court shall qualify and impanel  
22 not more than four [~~two~~] alternates to serve on disqualification or  
23 unavailability of a juror during the term of the grand jury. On  
24 learning that a grand juror has become disqualified or unavailable  
25 during the term of the grand jury, the attorney representing the  
26 state shall prepare an order for the court identifying the  
27 disqualified or unavailable juror, stating the basis for the

1 disqualification or unavailability, dismissing the disqualified or  
2 unavailable juror from the grand jury, and naming one of the  
3 alternates as a member of the grand jury. The procedure established  
4 by this subsection may be used on disqualification or  
5 unavailability of a second or subsequent grand juror during the  
6 term of the grand jury. For purposes of this subsection, a juror is  
7 unavailable if the juror is unable to participate fully in the  
8 duties of the grand jury because the juror is unwilling to serve on  
9 the grand jury or is otherwise neglecting the juror's duty to serve,  
10 or because of the death of the juror or a physical or mental illness  
11 of the juror.

12 SECTION 7. Article 19.30, Code of Criminal Procedure, is  
13 amended to read as follows:

14 Art. 19.30. CHALLENGE TO "ARRAY". A challenge to the  
15 "array" shall be made in writing for these causes only:

16 1. That those summoned as grand jurors are not in fact  
17 those selected by the method provided by Article 19.01 [~~19.01(b) of~~  
18 ~~this chapter or by the jury commissioners~~]; and

19 2. That [~~In case of grand jurors summoned by order of~~  
20 ~~the court, that~~] the officer who summoned the grand jurors [~~them~~  
21 ~~had~~] acted corruptly in summoning any one or more of them.

22 SECTION 8. Article 19.31, Code of Criminal Procedure, is  
23 amended to read as follows:

24 Art. 19.31. CHALLENGE TO JUROR. (a) A challenge to a  
25 particular grand juror may be made orally for any of the following  
26 causes [~~only~~]:

27 1. That the juror is insane;

1           2. That the juror has such defect in the organs of  
2 feeling or hearing, or such bodily or mental defect or disease as to  
3 render the juror unfit for jury service, or that the juror is  
4 legally blind and the court in its discretion is not satisfied that  
5 the juror is fit for jury service in that particular case;

6           3. That the juror is a witness or a target in an  
7 investigation by a grand jury;

8           4. That the juror served on a petit jury in a former  
9 trial of the same alleged conduct or offense that the grand jury is  
10 investigating;

11           5. That the juror has a bias or prejudice in favor of  
12 or against the person accused or suspected of committing an offense  
13 that the grand jury is investigating;

14           6. That from hearsay, or otherwise, there is  
15 established in the mind of the juror such a conclusion as to the  
16 guilt or innocence of the person accused or suspected of committing  
17 an offense that the grand jury is investigating as would influence  
18 the juror's vote on the presentment of an indictment;

19           7. That the juror is related within the third degree by  
20 consanguinity or affinity, as determined under Chapter 573,  
21 Government Code, to a person accused or suspected of committing an  
22 offense that the grand jury is investigating or to a person who is a  
23 victim of an offense that the grand jury is investigating;

24           8. That the juror has a bias or prejudice against any  
25 phase of the law upon which the state is entitled to rely for an  
26 indictment;

27           9. That the juror [~~he~~] is not a qualified juror; and

1           10. [2.] That the juror [~~he~~] is the prosecutor upon an  
2 accusation against the person making the challenge.

3           (a-1) A challenge under Subdivision (a)(3) may be made ex  
4 parte and shall be reviewed and ruled upon in camera. Any record of  
5 the challenge shall be placed under seal by the court.

6           (b) In this article, "legally blind" has the meaning  
7 assigned by Article 35.16(a).

8           SECTION 9. Chapter 19, Code of Criminal Procedure, is  
9 amended by adding Article 19.315 to read as follows:

10           Art. 19.315. RECUSAL OF JUROR. (a) If, during the course of  
11 a juror's service on the grand jury, the juror determines that the  
12 juror could be subject to a valid challenge for cause under Article  
13 19.31, the juror shall recuse himself or herself from grand jury  
14 service until the cause no longer exists. A person who knowingly  
15 fails to recuse himself or herself under this subsection may be held  
16 in contempt of court. A person authorized to be present in the grand  
17 jury room shall report a known violation of this subsection to the  
18 court.

19           (b) The court shall instruct the grand jury as to the duty  
20 imposed by Subsection (a).

21           SECTION 10. Section 24.014(b), Government Code, is amended  
22 to read as follows:

23           (b) The judge may impanel [~~appoint jury commissioners who~~  
24 ~~select and draw~~] grand and petit jurors as provided by law. The  
25 jurors may be summoned to appear before the court at the time  
26 designated by the judge.

27           SECTION 11. Section 24.135(c), Government Code, is amended

1 to read as follows:

2 (c) The judge of the 33rd District Court may [~~select jury~~  
3 ~~commissioners and~~] impanel grand juries in each county. The judge  
4 of the 33rd District Court may alternate the drawing of grand juries  
5 with the judge of any other district court in each county within the  
6 33rd Judicial District and may order grand and petit juries to be  
7 drawn for any term of the court as the judge determines is  
8 necessary, by an order entered in the minutes of the court.  
9 Indictments within each county may be returned to either court  
10 within that county.

11 SECTION 12. Section 24.377(b), Government Code, is amended  
12 to read as follows:

13 (b) The judge of the 198th District Court may [~~select jury~~  
14 ~~commissioners and~~] impanel grand juries in each county. The judge  
15 of the 198th District Court may alternate the drawing of grand  
16 juries with the judge of any other district court in each county  
17 within the judge's district and may order grand and petit juries to  
18 be drawn for any term of the judge's court as in the judge's judgment  
19 is necessary, by an order entered in the minutes of the court.  
20 Indictments within each county may be returned to either court  
21 within that county.

22 SECTION 13. Section 24.396(b), Government Code, is amended  
23 to read as follows:

24 (b) The judge of the 218th District Court may [~~select grand~~  
25 ~~jury commissioners and~~] impanel grand juries in each county in the  
26 district but is not required to impanel a grand jury in any county  
27 except when the judge [~~he~~] considers it necessary. The judge may

1 alternate the impaneling of grand juries in each county with the  
2 judge of any other district court in that county, or the judges may  
3 by agreement determine which one of the courts will impanel the  
4 grand juries. Indictments within each county may be returned to any  
5 district court within that county. All grand and petit juries drawn  
6 for one district court in each county are interchangeable with any  
7 other district court in that county as if the jury had been drawn  
8 for the court in which it is used.

9 SECTION 14. Section 24.487(b), Government Code, is amended  
10 to read as follows:

11 (b) The judge of the 341st District Court may [~~select jury~~  
12 ~~commissioners and~~] impanel grand juries in Webb County. The judge  
13 of the 341st District Court may alternate the drawing of grand  
14 juries with the judge of any other district court in the county. By  
15 order entered on the minutes, for any term that the judge considers  
16 it necessary, the judge may order grand and petit juries to be  
17 drawn.

18 SECTION 15. Section 24.568(d), Government Code, is amended  
19 to read as follows:

20 (d) The judge of the 424th District Court may [~~select jury~~  
21 ~~commissioners and~~] impanel grand juries in each county. The judge  
22 of the 424th District Court may alternate the drawing of grand  
23 juries with the judge of any other district court in each county  
24 within the 424th Judicial District and may order grand and petit  
25 juries to be drawn for any term of the court as the judge determines  
26 is necessary, by an order entered in the minutes of the court.  
27 Indictments within each county may be returned to either court

1 within that county.

2 SECTION 16. Section 24.596(b), Government Code, is amended  
3 to read as follows:

4 (b) The judge of the 452nd District Court may [~~select jury~~  
5 ~~commissioners and~~] impanel grand juries in each county. The judge  
6 of the 452nd District Court may order grand and petit juries to be  
7 drawn for any term of the judge's court as in the judge's judgment is  
8 necessary, by an order entered in the minutes of the court.

9 SECTION 17. The heading to Section 402.024, Government  
10 Code, is amended to read as follows:

11 Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY [~~, GRAND JURY~~  
12 ~~COMMISSIONER,~~] OR GRAND JUROR.

13 SECTION 18. Section 402.024(b), Government Code, is amended  
14 to read as follows:

15 (b) The attorney general shall defend a state [~~grand jury~~  
16 ~~commissioner or~~] grand juror who is a defendant in an action in any  
17 court if:

18 (1) the suit involves an act of the person while in the  
19 performance of duties as a [~~grand jury commissioner or~~] grand  
20 juror; and

21 (2) the person requests the attorney general's  
22 assistance in the defense.

23 SECTION 19. The following provisions are repealed:

24 (1) Articles 19.02, 19.03, 19.04, 19.05, 19.06, 19.09,  
25 19.10, 19.11, 19.12, 19.13, 19.14, 19.15, and 19.17, Code of  
26 Criminal Procedure; and

27 (2) Section 24.014(c), Government Code.

1           SECTION 20. The changes in law made by this Act do not apply  
2 to a county with a population of 500,000 or less.

3           SECTION 21. Section 402.024(b), Government Code, as amended  
4 by this Act, applies only to a court action arising from an act of a  
5 person that occurs on or after the effective date of this Act. A  
6 court action arising from an act of a person that occurred before  
7 the effective date of this Act is governed by the law in effect on  
8 the date the act occurred, and the former law is continued in effect  
9 for that purpose.

10          SECTION 22. The changes in law made by this Act apply to a  
11 grand jury impaneled on or after the effective date of this Act. A  
12 grand jury impaneled before the effective date of this Act is  
13 governed by the law in effect on the date the grand jury was  
14 impaneled, and the former law is continued in effect for that  
15 purpose.

16          SECTION 23. This Act takes effect September 1, 2015.

ADOPTED

MAY 24 2015

*Atty Gen Spaw*  
Secretary of the Senate

By: *[Signature]*

H.B. No. 2150

Substitute the following for H.B. No. 2150 :

By: *[Signature]*

C.S. H.B. No. 2150

A BILL TO BE ENTITLED

AN ACT

relating to the organization of a grand jury.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS [~~APPOINTMENT OF JURY COMMISSIONERS; SELECTION WITHOUT JURY COMMISSION~~]. [~~(a)~~] The [~~district judge, at or during any term of court, shall appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. Such commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they shall possess the following qualifications:~~

[~~1. Be intelligent citizens of the county and able to read and write the English language;~~

[~~2. Be qualified jurors in the county;~~

[~~3. Have no suit in said court which requires intervention of a jury;~~

[~~4. Be residents of different portions of the county; and~~

[~~5. The same person shall not act as jury commissioner more~~

1 ~~than once in any 12-month period.~~

2       ~~[(b) In lieu of the selection of prospective jurors by means~~  
3 ~~of a jury commission, the]~~ district judge shall ~~[may]~~ direct that 20  
4 to 125 prospective grand jurors be selected and summoned, with  
5 return on summons, in the same manner as for the selection and  
6 summons of panels for the trial of civil cases in the district  
7 courts. The judge shall try the qualifications for and excuses from  
8 service as a grand juror and impanel the completed grand jury ~~[in~~  
9 ~~the same manner]~~ as provided by this chapter ~~[for grand jurors~~  
10 ~~selected by a jury commission]~~.

11       SECTION 2. Article 19.07, Code of Criminal Procedure, is  
12 amended to read as follows:

13       Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND  
14 JURORS SHALL SIT. If prior to the expiration of the term for which  
15 the grand jury was impaneled, it is made to appear by a declaration  
16 of the foreman or of a majority of the grand jurors in open court,  
17 that the investigation by the grand jury of the matters before it  
18 cannot be concluded before the expiration of the term, the judge of  
19 the district court in which said grand jury was impaneled may, by  
20 the entry of an order on the minutes of said court, extend, from  
21 time to time, for the purpose of concluding the investigation of  
22 matters then before it, the period during which said grand jury  
23 shall sit, for not to exceed a total of ninety days after the  
24 expiration of the term for which it was impaneled, and all  
25 indictments pertaining thereto returned by the grand jury within  
26 said extended period shall be as valid as if returned before the  
27 expiration of the term. ~~[The extension of the term of a grand jury~~

1 ~~under this article does not affect the provisions of Article 19.06~~  
2 ~~relating to the selection and summoning of grand jurors for each~~  
3 ~~regularly scheduled term.]~~

4 SECTION 3. Article 19.08, Code of Criminal Procedure, is  
5 amended to read as follows:

6 Art. 19.08. QUALIFICATIONS. No person shall be selected or  
7 serve as a grand juror who does not possess the following  
8 qualifications:

9 1. The person must be a citizen of the state, and of  
10 the county in which the person is to serve, and be qualified under  
11 the Constitution and laws to vote in said county, provided that the  
12 person's failure to register to vote shall not be held to disqualify  
13 the person in this instance;

14 2. The person must be of sound mind and good moral  
15 character;

16 3. The person must be able to read and write;

17 4. The person must not have been convicted of  
18 misdemeanor theft or a felony;

19 5. The person must not be under indictment or other  
20 legal accusation for misdemeanor theft or a felony;

21 6. The person must not be related within the third  
22 degree of consanguinity or second degree of affinity, as determined  
23 under Chapter 573, Government Code, to any person selected to serve  
24 or serving on the same grand jury;

25 7. The person must not have served as grand juror [~~or~~  
26 ~~jury commissioner~~] in the year before the date on which the term of  
27 court for which the person has been selected as grand juror begins;

1 and

2           8. The person must not be a complainant in any matter  
3 to be heard by the grand jury during the term of court for which the  
4 person has been selected as a grand juror.

5           SECTION 4. Article 19.19, Code of Criminal Procedure, is  
6 amended to read as follows:

7           Art. 19.19. JURORS TO ATTEND FORTHWITH. The jurors  
8 provided for in Article 19.18 [~~the two preceding Articles~~] shall be  
9 summoned in person to attend before the court forthwith.

10          SECTION 5. Article 19.20, Code of Criminal Procedure, is  
11 amended to read as follows:

12          Art. 19.20. TO SUMMON QUALIFIED PERSONS. On [~~Upon~~]  
13 directing the sheriff to summon grand jurors [~~not selected by the~~  
14 ~~jury commissioners~~], the court shall instruct the sheriff [~~him~~]  
15 that the sheriff [~~he~~] must not summon any [~~no~~] person to serve as a  
16 grand juror who does not possess the qualifications prescribed by  
17 law.

18          SECTION 6. Article 19.23, Code of Criminal Procedure, is  
19 amended to read as follows:

20          Art. 19.23. MODE OF TEST. In trying the qualifications of  
21 any person to serve as a grand juror, that person [~~he~~] shall be  
22 asked:

23           1. Are you a citizen of this state and county, and qualified  
24 to vote in this county, under the Constitution and laws of this  
25 state?

26           2. Are you able to read and write?

27           3. Have you ever been convicted of misdemeanor theft or any

1 [a] felony?

2 4. Are you under indictment or other legal accusation for  
3 misdemeanor theft or for any felony?

4 SECTION 7. Article 19.26, Code of Criminal Procedure, is  
5 amended to read as follows:

6 Art. 19.26. JURY IMPANELED. (a) When at least fourteen  
7 qualified jurors are found to be present, the court shall select  
8 twelve fair and impartial persons to serve as grand jurors and two  
9 additional persons to serve as alternate grand jurors. In selecting  
10 the grand jurors and the alternate grand jurors, the court shall  
11 consider the county's demographics related to race, ethnicity, sex,  
12 and age.

13 (b) The court shall proceed to impanel the grand jury,  
14 unless a challenge is made, which may be to the array or to any  
15 particular person presented to serve as a grand juror or an  
16 alternate.

17 [~~(b) The grand jury is composed of not more than twelve~~  
18 ~~qualified jurors.~~] In addition, the court shall [~~qualify and~~  
19 impanel [~~not more than~~] two alternates to serve on disqualification  
20 or unavailability of a juror during the term of the grand jury. On  
21 learning that a grand juror has become disqualified or unavailable  
22 during the term of the grand jury, the attorney representing the  
23 state shall prepare an order for the court identifying the  
24 disqualified or unavailable juror, stating the basis for the  
25 disqualification or unavailability, dismissing the disqualified or  
26 unavailable juror from the grand jury, and naming one of the  
27 alternates as a member of the grand jury. The procedure established

1 by this subsection may be used on disqualification or  
2 unavailability of a second grand juror during the term of the grand  
3 jury. For purposes of this subsection, a juror is unavailable if  
4 the juror is unable to participate fully in the duties of the grand  
5 jury because of the death of the juror, ~~[or]~~ a physical or mental  
6 illness of the juror, or any other reason the court determines  
7 constitutes good cause for dismissing the juror.

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14 ~~chapter or by the jury commissioners~~]; and

15 2. That [~~In case of grand jurors summoned by order of the~~  
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20 Art. 19.31. CHALLENGE TO JUROR. (a) A challenge to a  
21 particular grand juror may be made orally for any of the following  
22 causes [~~only~~]:

23 1. That the juror is insane;

24 2. That the juror has such defect in the organs of feeling or  
25 hearing, or such bodily or mental defect or disease as to render the  
26 juror unfit for jury service, or that the juror is legally blind and  
27 the court in its discretion is not satisfied that the juror is fit

1 for jury service in that particular case;

2 3. That the juror is a witness in or a target of an  
3 investigation of a grand jury;

4 4. That the juror served on a petit jury in a former trial of  
5 the same alleged conduct or offense that the grand jury is  
6 investigating;

7 5. That the juror has a bias or prejudice in favor of or  
8 against the person accused or suspected of committing an offense  
9 that the grand jury is investigating;

10 6. That from hearsay, or otherwise, there is established in  
11 the mind of the juror such a conclusion as to the guilt or innocence  
12 of the person accused or suspected of committing an offense that the  
13 grand jury is investigating as would influence the juror's vote on  
14 the presentment of an indictment;

15 7. That the juror is related within the third degree by  
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19 victim of an offense that the grand jury is investigating;

20 8. That the juror has a bias or prejudice against any phase  
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22 indictment;

23 9. That the juror [~~he~~] is not a qualified juror; and

24 10. [~~2-~~] That the juror [~~he~~] is the prosecutor upon an  
25 accusation against the person making the challenge.

26 (b) A challenge under Subsection (a)(3) may be made ex parte  
27 and shall be reviewed and ruled on in an in camera proceeding. The

1 court shall seal any record of the challenge.

2 (c) In this article, "legally blind" has the meaning  
3 assigned by Article 35.16(a).

4 SECTION 10. Section 24.014(b), Government Code, is amended  
5 to read as follows:

6 (b) The judge may impanel [~~appoint jury commissioners who~~  
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9 designated by the judge.

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12 (c) The judge of the 33rd District Court may [~~select jury~~  
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15 with the judge of any other district court in each county within the  
16 33rd Judicial District and may order grand and petit juries to be  
17 drawn for any term of the court as the judge determines is  
18 necessary, by an order entered in the minutes of the  
19 court. Indictments within each county may be returned to either  
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21 SECTION 12. Section 24.377(b), Government Code, is amended  
22 to read as follows:

23 (b) The judge of the 198th District Court may [~~select jury~~  
24 ~~commissioners and~~] impanel grand juries in each county. The judge  
25 of the 198th District Court may alternate the drawing of grand  
26 juries with the judge of any other district court in each county  
27 within the judge's district and may order grand and petit juries to

1 be drawn for any term of the judge's court as in the judge's judgment  
2 is necessary, by an order entered in the minutes of the court.  
3 Indictments within each county may be returned to either court  
4 within that county.

5 SECTION 13. Section 24.396(b), Government Code, is amended  
6 to read as follows:

7 (b) The judge of the 218th District Court may [~~select grand~~  
8 ~~jury commissioners and~~] impanel grand juries in each county in the  
9 district but is not required to impanel a grand jury in any county  
10 except when the judge [~~he~~] considers it necessary. The judge may  
11 alternate the impaneling of grand juries in each county with the  
12 judge of any other district court in that county, or the judges may  
13 by agreement determine which one of the courts will impanel the  
14 grand juries. Indictments within each county may be returned to any  
15 district court within that county. All grand and petit juries drawn  
16 for one district court in each county are interchangeable with any  
17 other district court in that county as if the jury had been drawn  
18 for the court in which it is used.

19 SECTION 14. Section 24.487(b), Government Code, is amended  
20 to read as follows:

21 (b) The judge of the 341st District Court may [~~select jury~~  
22 ~~commissioners and~~] impanel grand juries in Webb County. The judge  
23 of the 341st District Court may alternate the drawing of grand  
24 juries with the judge of any other district court in the county. By  
25 order entered on the minutes, for any term that the judge considers  
26 it necessary, the judge may order grand and petit juries to be  
27 drawn.

1 SECTION 15. Section 24.568(d), Government Code, is amended  
2 to read as follows:

3 (d) The judge of the 424th District Court may [~~select jury~~  
4 ~~commissioners and~~] impanel grand juries in each county. The judge  
5 of the 424th District Court may alternate the drawing of grand  
6 juries with the judge of any other district court in each county  
7 within the 424th Judicial District and may order grand and petit  
8 juries to be drawn for any term of the court as the judge determines  
9 is necessary, by an order entered in the minutes of the  
10 court. Indictments within each county may be returned to either  
11 court within that county.

12 SECTION 16. Section 24.596(b), Government Code, is amended  
13 to read as follows:

14 (b) The judge of the 452nd District Court may [~~select jury~~  
15 ~~commissioners and~~] impanel grand juries in each county. The judge  
16 of the 452nd District Court may order grand and petit juries to be  
17 drawn for any term of the judge's court as in the judge's judgment is  
18 necessary, by an order entered in the minutes of the court.

19 SECTION 17. The heading to Section 402.024, Government  
20 Code, is amended to read as follows:

21 Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY [~~GRAND JURY~~  
22 ~~COMMISSIONER,~~] OR GRAND JUROR.

23 SECTION 18. Section 402.024(b), Government Code, is amended  
24 to read as follows:

25 (b) The attorney general shall defend a state [~~grand jury~~  
26 ~~commissioner or~~] grand juror who is a defendant in an action in any  
27 court if:

1           (1) the suit involves an act of the person while in the  
2 performance of duties as a [~~grand jury commissioner or~~] grand  
3 juror; and

4           (2) the person requests the attorney general's  
5 assistance in the defense.

6           SECTION 19. The following provisions are repealed:

7           (1) Articles 19.02, 19.03, 19.04, 19.05, 19.06, 19.09,  
8 19.10, 19.11, 19.12, 19.13, 19.14, 19.15, and 19.17, Code of  
9 Criminal Procedure; and

10          (2) Section 24.014(c), Government Code.

11          SECTION 20. Section 402.024(b), Government Code, as amended  
12 by this Act, applies only to a court action arising from an act of a  
13 person that occurs on or after the effective date of this Act. A  
14 court action arising from an act of a person that occurred before  
15 the effective date of this Act is governed by the law in effect on  
16 the date the act occurred, and the former law is continued in effect  
17 for that purpose.

18          SECTION 21. This Act takes effect September 1, 2015.

ADOPTED

MAY 24 2015

*Atty. Gen.*  
Secretary of the Senate

BY: *John W. R. [Signature]*

FLOOR AMENDMENT NO. 1

1 Amend C.S.H.B. No. 2150 (senate committee report) as  
2 follows:

3 (1) In SECTION 7 of the bill, in amended Article 19.26(a),  
4 Code of Criminal Procedure (page 2, line 68), strike "fourteen" and  
5 substitute "sixteen [~~fourteen~~]".

6 (2) In SECTION 7 of the bill, in amended Article 19.26(a),  
7 Code of Criminal Procedure (page 3, line 1), strike "two" and  
8 substitute "four".

9 (3) In SECTION 7 of the bill, in amended Article 19.26(b),  
10 Code of Criminal Procedure (page 3, line 12), strike "[~~not more~~  
11 ~~than~~] two" and substitute "four [~~not more than two~~]".

12 (4) In SECTION 7 of the bill, in amended Article 19.26(b),  
13 Code of Criminal Procedure (page 3, line 22), between "second" and  
14 "grand", insert "or subsequent".

15 (5) In SECTION 20 of the bill, in the transition language  
16 (page 5, line 28), between "20." and "Section 402.024(b)", insert  
17 the following:

18 (a) Except as provided by Subsection (b) of this section,  
19 the changes in law made by this Act apply to a grand jury impaneled  
20 on or after the effective date of this Act. A grand jury impaneled  
21 before the effective date of this Act is governed by the law in  
22 effect on the date the grand jury was impaneled, and the former law  
23 is continued in effect for that purpose.

24 (b)

25 (6) Add the following appropriately numbered SECTIONS to  
26 the bill and renumber subsequent SECTIONS of the bill accordingly:

27 SECTION \_\_\_\_\_. Article 19.18, Code of Criminal Procedure, is  
28 amended to read as follows:

29 Art. 19.18. IF LESS THAN SIXTEEN [~~FOURTEEN~~] ATTEND. When

1 less than sixteen [~~fourteen~~] of those summoned to serve as grand  
2 jurors are found to be in attendance and qualified to so serve, the  
3 court shall order the sheriff to summon such additional number of  
4 persons as may be deemed necessary to constitute a grand jury of  
5 twelve persons and four [~~two~~] alternates.

6 SECTION \_\_\_\_\_. Chapter 19, Code of Criminal Procedure, is  
7 amended by adding Article 19.315 to read as follows:

8 Art. 19.315. RECUSAL OF JUROR. (a) If, during the course of  
9 a juror's service on the grand jury, the juror determines that the  
10 juror could be subject to a valid challenge for cause under Article  
11 19.31, the juror shall recuse himself or herself from grand jury  
12 service until the cause no longer exists. A person who knowingly  
13 fails to recuse himself or herself under this subsection may be held  
14 in contempt of court. A person authorized to be present in the grand  
15 jury room shall report a known violation of this subsection to the  
16 court.

17 (b) The court shall instruct the grand jury as to the duty  
18 imposed by Subsection (a).

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 25, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2150** by Alvarado (Relating to the organization of a grand jury.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to eliminate the appointment by a district judge of the position of jury commissioner within the process of selection and impaneling of a grand jury. The bill would also eliminate related language pertaining to a jury commissioner, including the repeal of certain provisions, and makes changes to the causes for which a challenge to a grand juror may be made. The bill modifies the mode of test for trying the qualifications of any person to serve as a grand juror and requires the court to consider the county's demographics related to race, ethnicity, sex, and age for purposes of jury selection. The bill requires the court to select 12 qualified persons to serve on the grand jury and four alternative jurors. In addition, the bill requires jurors that determine they could be subject to a valid challenge for cause to recuse themselves from grand jury service until the cause no longer exists. A juror that knowingly fails to recuse themselves may be held in contempt of court. The bill repeals provisions related to grand jury selection, oath administration, jury summons, failure to select a grand jury, and other provisions concerning grand juries and court processes associated with grand juries.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, GDz

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 20, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2150** by Alvarado (relating to the organization of a grand jury.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to eliminate the appointment by a district judge of the position of jury commissioner within the process of selection and impaneling of a grand jury. The bill would also eliminate related language pertaining to a jury commissioner, including the repeal of certain provisions, and makes changes to the causes for which a challenge to a grand juror may be made. The bill modifies the mode of test for trying the qualifications of any person to serve as a grand juror and requires the court to consider the county's demographics related to race, ethnicity, sex, and age for purposes of jury selection. The bill requires the court to select 12 qualified persons to serve on the grand jury and two alternative jurors. In addition, the bill requires jurors that determine they could be subject to a valid challenge for cause to recuse themselves from grand jury service until the cause no longer exists. A juror that knowingly fails to recuse themselves may be held in contempt of court. The bill repeals provisions related to grand jury selection, oath administration, jury summons, failure to select a grand jury, and other provisions concerning grand juries and court processes associated with grand juries.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, GDz

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 19, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2150** by Alvarado (Relating to the organization of a grand jury and qualifications for service as a grand juror.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure to eliminate the appointment by a district judge of the position of jury commissioner within the process of selection and impaneling of a grand jury. The bill would also eliminate related language pertaining to a jury commissioner and makes changes to the causes for which a challenge to a grand juror may be made. In addition, the bill requires jurors that determine they could be subject to a valid challenge for cause to recuse themselves from grand jury service until the cause no longer exists. A juror that knowingly fails to recuse themselves may be held in contempt of court.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, GDz

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 13, 2015

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2150** by Alvarado (Relating to the organization of a grand jury and qualifications for service as a grand juror.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to expand the number of grand jury alternatives from two to four and would expand the list of causes for which a challenge to a particular grand juror may be made orally. In addition, the bill requires jurors that determine they could be subject to a valid challenge for cause to recuse themselves from grand jury service until the cause no longer exists. A juror that knowingly fails to recuse themselves may be held in contempt of court. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, GDz