

BILL ANALYSIS

C.S.H.B. 1268
By: Schaefer
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties believe that an attorney representing the state should have a reasonable opportunity to question a grand juror for purposes of determining whether the juror may be challenged for certain causes. C.S.H.B. 1268 seeks to provide this opportunity.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1268 amends the Code of Criminal Procedure to require a court to allow the attorney representing the state a reasonable opportunity to question a grand juror in order to determine whether the juror may be challenged for certain specified causes.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1268 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 19.31, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) The court shall allow the attorney representing the state a reasonable opportunity to question a grand juror in order to determine whether the juror may be challenged under this article.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 19.31, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) The court shall allow the attorney representing the state a reasonable opportunity to question a grand juror in order to determine whether the juror may be challenged under Subsection (a)(1), (2), (3), (4), (7), or (10).

SECTION 2. The change in law made by this Act applies to a grand jury impaneled on or after the effective date of this Act. A grand jury impaneled before the effective date of this Act is governed by the law in effect on the date the grand jury was impaneled, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.