

- SUBJECT:** Expanding reasons for issuing challenges against jurors on grand juries
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Herrero, Moody, Canales, Hunter, Leach, Simpson
- 0 nays
- 1 absent — Shaheen
- WITNESSES:** For — Justin Wood, Harris County District Attorney's Office; Kristin Etter, Texas Criminal Defense Lawyers Association; (*Registered, but did not testify*: Douglas Smith, Texas Criminal Justice Coalition; Yannis Banks, Texas NAACP)
- Against — None
- BACKGROUND:** Code of Criminal Procedure, art. 35.16 and Government Code, sec 62.105 provide numerous reasons that jurors serving on criminal juries and petit juries may be challenged for cause or disqualified. Jurors serving on grand juries may be challenged only if they are not qualified as jurors or if they are the prosecutor upon an accusation against the person making the challenge, under Code of Criminal Procedure, art. 19.31.
- DIGEST:** HB 2150 would expand the causes for challenging a grand juror to include that the juror:
- was insane;
  - had a defect in hearing or feeling;
  - had a bodily or mental defect or disease that would render the juror unfit for jury service;
  - was legally blind and the court was not satisfied that the juror was fit for jury service in that particular case;
  - was a witness in an investigation of the grand jury;
  - served on a petit jury in a former trial of the same alleged conduct

- or offense that the grand jury was investigating;
- had a bias or prejudice regarding the accused;
  - had already come to a conclusion, from hearsay or otherwise, regarding the guilt or innocence of the accused that would influence the juror's vote;
  - was related to the accused or to a victim of the offense; and
  - had a bias or prejudice against any phase of the law upon which the state was entitled to rely for an indictment.

The bill would require courts to instruct jurors that, if the jurors determined that they could be subject to a valid challenge for cause, they must recuse themselves from grand jury service. If the jurors knowingly failed to recuse themselves, they could be held in contempt of court. Persons authorized to be present in the grand jury room would be required to report any violations of the recusal requirement.

The bill also would increase the maximum number of alternates impaneled by a grand jury from two to four and would allow a juror to be considered unavailable if the juror was unwilling to serve on the grand jury or was otherwise neglecting the juror's duty to serve.

This bill would take effect September 1, 2015, and would apply only to grand juries impaneled on or after that date.