

SUBJECT: Amending certain requirements for jury sequestration in criminal cases

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline
0 nays

WITNESSES: For — (*Registered, but did not testify*: Thomas Parkinson)

Against — None

On — Larry Phillips (*Registered, but did not testify*: Kevin Hale, Libertarian Party of Texas; Joyce H; Mary Palmer)

BACKGROUND: Some have suggested that certain judges do not have adequate discretion regarding approval of sequestration requests and that a deadline for such requests could benefit courts and jurors.

DIGEST: HB 469 would require that a court hold a hearing to determine whether good cause existed to order the jury not to separate following a motion of either party requesting jury sequestration. Upon finding good cause, the court would be required to order the jury not to separate. The bill would require that a sequestration motion be filed by the party making the request no less than 10 days before the date jury selection began unless the requesting party showed good cause for filing after that period. The bill would make conforming changes throughout.

The bill would take effect September 1, 2023, and would apply only to a criminal proceeding that commenced on or after the effective date of the bill.