

BILL ANALYSIS

Senate Research Center

H.B. 3230
By: Capelo (Ellis)
Jurisprudence
5/13/1999
Engrossed

DIGEST

Current law regarding the impanelment of a grand jury, through strict interpretation, requires a new panel to be drawn and summoned to repeat the grand juror selection process, if a grand juror already impaneled becomes disqualified to serve as a grand juror. In practice, however, the grand jury usually conducts its business for the remainder of its term with less than twelve grand jurors. H.B. 3230 requires the court to impanel fourteen, rather than twelve, grand jurors, to constitute a grand jury of twelve persons and two alternates. This bill also sets forth the procedure for replacing a disqualified juror.

PURPOSE

As proposed, H.B. 3230 establishes conditions regarding the selection of alternate jurors to serve during the term of a grand jury.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 19.18, Code of Criminal Procedure, as follows:

Art. 19.18. New heading: IF LESS THAN FOURTEEN ATTEND. Requires the court, when less than fourteen, rather than twelve, of those summoned to serve as grand jurors are found to be in attendance and qualified to serve, to order the sheriff to summon such additional number of persons as may be deemed necessary to constitute a grand jury of twelve persons and two alternates.

SECTION 2. Amends Article 19.21, Code of Criminal Procedure, to make conforming changes.

SECTION 3. Amends Article 19.26, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (b), to provide that the grand jury is composed of not more than twelve qualified jurors. Requires the court to qualify and impanel not more than two alternates to serve on disqualification of a juror during the term of the grand jury. Requires the attorney representing the state, on learning that a grand juror has become disqualified during the term of the grand jury, to prepare an order for the court identifying the disqualified juror, stating the basis for the disqualification, dismissing the disqualified juror from the grand jury, and naming one of the alternates as a member of the grand jury. Authorizes the use of the procedure established by this subsection on disqualification of a second grand juror during the term of the grand jury. Makes conforming changes.

SECTION 4. Amends Article 19.41, Code of Criminal Procedure, to make a conforming change.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.