

## **BILL ANALYSIS**

Senate Research Center  
80R2292 RMB-D

H.B. 1086  
By: Hughes (Wentworth)  
Jurisprudence  
5/4/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a court may excuse an alternate juror once the jury has retired to consider its verdict. This can become a problem if a regular juror is excused during the deliberation or penalty phase of the trial.

H.B. 1086 delays the discharge of alternate jurors until the jury renders a verdict on guilt or innocence or, if applicable, the amount of punishment.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 33.011(b), Code of Criminal Procedure, as follows:

(b) Requires alternate jurors in the order in which they are called to replace jurors who become or are found to be unable or disqualified to perform their duties prior to the time the jury renders a verdict on the guilt or innocence of the defendant and, if applicable, the amount of the punishment, rather than prior to the time the jury retires to consider its verdict. Requires an alternate juror who does not replace a regular juror to be discharged after the jury renders a verdict on the guilt or innocence of the defendant and, if applicable, the amount of the punishment, rather than prior to the time the jury retires to consider its verdict.

SECTION 2. Amends Article 36.29(d), Code of Criminal Procedure, to require the court to discharge an alternate juror who has not replaced a juror after the jury has rendered a verdict on the guilt or innocence of the defendant and, if applicable, the amount of the punishment, rather than after the charge of the court is read to the jury.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.