

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1086
By: Hughes (Wentworth)
Jurisprudence
5/11/2007
Committee Report (Substituted)

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.

C.S.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 prior to the time the jury renders a verdict on the guilt or innocence of the defendant and, if applicable, the amount of punishment, rather than retires to consider its verdict, become or are found to be unable or disqualified to perform their duties or are found by the court on agreement of the parties to have good cause for not performing their duties. Requires alternate jurors to be drawn and selected in the same manner, have the same qualifications, and be subject to the same examination and challenges, take the same oath, and have the same functions, powers, facilities, security, and privileges as regular jurors. Requires an alternate juror who does not replace a regular juror to be discharged after the jury has rendered a verdict on the guilt or innocence of the defendant and, if applicable, the amount of punishment, rather than after 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.