

BILL ANALYSIS

Senate Research Center
81R1673 JSC-D

S.B. 1067
By: Wentworth
Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A child may be found to have engaged in delinquent conduct or conduct indicating a need for supervision only after an adjudication hearing conducted in accordance with Section 54.03 (Adjudication Hearing), Family Code. The child has a right to a jury trial which is required to consist of twelve persons for certain felony offenses. There is no specific provision in the Family Code as to how many jurors are required if the petition alleges conduct that violates a penal law of the grade of misdemeanor despite the requirement in the Code of Criminal Procedure that six jurors sit in similar cases.

As proposed, S.B. 1067 requires that the jury in juvenile adjudication hearings for a misdemeanor consist of the same number of jurors required in Article 33.01(b) (relating to requirements for a trial involving a misdemeanor offense), Code of Criminal Procedure.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.03(c), Family Code, by requiring that the jury, if the hearing is on a petition that alleges conduct that violates a penal law of this state of the grade of misdemeanor, consist of the number of persons required by Article 33.01(b) (relating to requirements for a trial involving a misdemeanor offense), Code of Criminal Procedure.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.