

BILL ANALYSIS

Senate Research Center
85R533 MEW-D

S.B. 46
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State Affairs
2/8/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the state and the defendant in a court proceeding each have a right to poll the jury, which is done by calling the name of each juror and then questioning the juror for purposes of establishing the jury's verdict. Calling out a juror's name in open court could pose a safety risk to the juror, particularly in controversial cases. To reduce this risk, S.B. 46 would authorize a judge, for the purposes of polling members of a jury to ascertain where each juror stands in relation to the verdict, to assign each juror an identification number to use in place of the juror's name.

As proposed, S.B. 46 amends current law relating to allowing judges to use juror identification numbers when polling the jury.

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 Article 37.05, Code of Criminal Procedure, as follows:

Art. 37.05. POLLING THE JURY. (a) Creates this subsection from existing text. Provides that the state and the defendant each have the right to have the jury polled, rather than providing that the state or the defendant each have the right to have the jury polled, and describes the procedure. Makes nonsubstantive changes.

(b) Authorizes the judge to assign each juror, for the purposes of polling the jury, an identification number to use in place of the juror's name.

SECTION 2. Effective date: September 1, 2017.