

HB 2015

Effective Date: 9/1/23

House Author: Leach

Senate Sponsor: Zaffirini

Relating to the exemption from jury service for persons over a certain age.

Summary: **Amends Government Code, Section 62.106(a), 62.107(c), 62.108(a), (b), (c), and (e);** increases the age exemption from 70 years old to 75 years old.

Note: There is no language indicating those already granted a permanent exemption are exempt from this law, therefore, based on this language, those over 70 years of age but under 75 years of age are now eligible to be pulled back into the jury wheel.

HB 3474

Effective Date: 9/1/23

House Author: Leach, et al.

Senate Sponsor: Hughes, et. al.

Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government, including the service of process and delivery of documents related to the proceedings, the administration of oaths, and the management of the Texas Indigent Defense Commission, and the composition of certain juvenile boards; establishing a civil penalty; increasing certain court costs; authorizing fees.

Summary: This is the courts omnibus bill which covers many topics that have been broken down by subject matter.

NEW/AMENDED JUDICIAL DISTRICTS

There are many counties that added courts. Those courts and the duties assigned to each clerk can be found in the bill.

NEW OCA DATABASE

Amends Government Code, Chapter 72 adding Section 72.039 requires the OCA to create a District Court Caseload Analysis required once every two years. The definition of a judicial officer in this statute means a district judge or an associate judge, master, magistrate, or referee who conducts proceedings for district courts.

The information collected includes the preceding five state fiscal years and will include:

1. number of cases filed in each district court;
2. clearance rate for each district court – clearance rate is defined as the number of cases disposed divided by the number of cases added to the dockets.
3. number of estimated full-time equivalent judicial officers serving the district courts in the county in the preceding state fiscal year;
4. number of full-time equivalent judicial officers needed to serve the district courts in the county based on the most recent weighted caseload analysis;
5. calendar year for creation of the most recently created district court in the county; and
6. any other relevant information identified by the director.

August 7, 2023
(Exhibit #8)

Not later than October 1 of each even-numbers year, the office shall report the results of the analysis conducted under Subsection (b) to the governor, the lieutenant governor, and each member of the legislature.

GRAND JURIES

Amends Code of Criminal Procedure Article 19A.052, 19A.053, adds the district clerk as well as the sheriff to summons qualified jurors for grand jury and summons additional jurors if needed.

Amends Code of Criminal Procedure Article 19A.101 (a)(7) and adding (b) amends the conviction disqualification to read "has **never** been convicted of a misdemeanor theft or a felony".

(b) requires creation of a list of persons who were disqualified from serving based on their citizenship or indictment or conviction for misdemeanor theft or a felony and send a copy of the list to the secretary of state and the prosecuting attorney. (the same list you must prepare for petit juries in regard to these disqualifications).

Effective September 1, 2023, any grand jurors summoned before this date will follow the form law in effect for that purpose.

JURORS AND JURY SERVICE

Amends Government Code, Section 61.001(a) and 61.0015(a) increases the **first day of jury service from \$6 to \$20** with a new reimbursement rate from the state of **\$14**.

Increases the attendance rate (**after the first day**) from **\$40 to \$58** with a daily reimbursement rate increase from **\$34 to \$52** under Section 61.001(a)(2).

Amends Government Code, Sections 61.003(a) and (b) (a) "Each person who reports for jury service shall be provided the opportunity, either through a written form or electronically, to direct the county treasurer or a designated county employee to donate all, a specific amount designated by the person, or the entire amount divided among the funds, programs, and county entities listed in this subsection of the person's daily reimbursement under this chapter to:" (b) The treasurer shall collect any information provided under Subsection (a) directing the county treasurer to donate reimbursement of a person who reports for jury service.

Amends Government Code, Section 62.001(a) and (b) (a) repeals (7) has not served as a petit juror for six days... and adds (8) has not been convicted of misdemeanor thief or a felony; to the jury wheel disqualifications in 62.001(a)(2)(B). (b) adds new sections 62.113, 62.114, and 62.115.

Amends Government Code, Section 62.0111(b)(5) amends an electronic plan for summoning jurors, replacing jury summons questionnaire with **juror questionnaire** under Section 62.0132.

Amends Government Code, Section 62.012(b), 62.013, 62.013(a) and (b), 62.014(a), 62.0145, 62.0146, 62.015(b), 62.016(d), 62.017(d), 62.0175(d), 62.411(a), 62.412(c).

Adds "the clerk" in addition to the sheriff or constable for summoning jurors in all courts.

The following amendments separate the jury summons from the jury questionnaire in order for clerks who have adopted an electronic jury plan to manage this information through their county websites.

Amends Government Code, Section 62.0131(b) and (c) Form of Written Jury Summons.

This section of the code allows a clerk to post certain information on their website instead of requiring all of it on the jury summons.

Expands on the form of written jury summons model to include:

(1) the option to provide the electronic address of the court's Internet website where the exemptions and restrictions are posted.

(3) notice of the contempt action to which the person summoned for jury service is subject to under Section 62.0141 for failure to comply with the jury summons; and

(4) the option to:

(A) include in the jury summons the juror questionnaire required by Section 62.0132;

(B) provide the electronic address of the court's Internet website from which the juror questionnaire may be easily printed; or

(C) in counties in which the district and criminal district judges adopted a plan for an electronic jury selection method under Section 62.011, provide the electronic address of the court's Internet website for the prospective juror to access and complete the juror questionnaire.

(c) allows a written summons to be in **post card format**, specifically stating "must be 3-1/2 by 5 inches or larger in size.

Amends Government Code, Section 62.0132(c) and (d) Juror Questionnaire. Written jury summons replaced by "juror questionnaire" through ought statutes and adds (6) to collect email addresses from jurors.

Amends Government Code, Section 62.106(a), 62.107(c), 62.108(a), (b), (c), and (e), raises the over 70 exemption to **over 75**. This applies only to an exemption from jury service for a person who is summoned to appear for service on or after September 1, 2023. An exemption from jury service for a person who is summoned to appear for service before September 1, 2023, is covered by the law in effect when the person was summoned, and that law is continued in effect for that purpose.

Amends Government Code, Section 62.109(c) Exemption for Physical or Mental Impairment or Inability to Comprehend English. Changes the requirement of the clerk to report only the **permanently exempted** to the voter registrar.

Amends Government Code, Chapter 62 adding Section 62.115 Compilation of List of Convicted Persons. This new section requires clerks to maintain a list of the name and address of each person disqualified from jury service because the person was convicted of a misdemeanor theft or a felony and makes the disqualification permanent. The clerk may remove this person from the jury wheel. On the third business day of each month, the clerk shall send to the secretary of state a copy of the list of persons disqualified because of this disqualification. (Note: this was third party language added late in the session; we all know we can report electronically to the state through TEAM.

A person is exempt from this section if the person:

(1) was placed on deferred adjudication and received a dismissal and discharge in accordance with Article 42A.111, Code of Criminal Procedure;

(2) was placed on community supervision and the period of community supervision was terminated early under Article 42A.701, Code of Criminal Procedure; or

(3) was pardoned or has had the person's civil rights restored.

