

Chapter 627

1 AN ACT
2 relating to the discharge of a jury under certain circumstances in a
3 criminal case.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 36.29(c), Code of Criminal Procedure, is
6 amended to read as follows:

7 (c) After the charge of the court is read to the jury, if a
8 juror [~~any one of them~~] becomes so sick as to prevent the
9 continuance of the juror's [~~his~~] duty and an alternate juror is not
10 available, or if any accident of circumstance occurs to prevent the
11 jury from [~~their~~] being kept together under circumstances under
12 which the law or the instructions of the court requires that the
13 jury [~~they~~] be kept together, the jury shall be discharged, except
14 that on agreement on the record by the defendant, the defendant's
15 counsel, and the attorney representing the state 11 members of a
16 jury may render a verdict and, if punishment is to be assessed by
17 the jury, assess punishment. If a verdict is rendered by less than
18 the whole number of the jury, each member of the jury shall sign the
19 verdict.

20 SECTION 2. The change in law made by this Act applies only
21 to a trial that commences on or after the effective date of this
22 Act. A trial that commenced before the effective date of this Act
23 is covered by the law in effect on the date the trial commenced, and
24 the former law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2009.

David Newkirk

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 1321 was passed by the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1321 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Datsy Spaul
Secretary of the Senate

APPROVED: 19 JUN '09

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

JUN 19 2009

Colby Hunter III