

AN ACT

relating to the selection of a jury in criminal and civil cases.

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

SECTION 1. Sections 1 and 2, Article 35.03, Code of Criminal Procedure, are amended to read as follows:

Sec. 1. Except as provided by Sections 2 and 3 of this article, the court shall then hear and determine excuses offered for not serving as a juror, including any claim of an exemption or a lack of qualification, and if the court considers [~~deems~~] the excuse sufficient, the court shall discharge the prospective juror or postpone the prospective juror's service to a date specified by the court, as appropriate.

Sec. 2. Under a plan approved by the commissioners court of the county in the same manner as a plan is approved for jury selection under Section 62.011, Government Code, in a case other than a capital felony case, the court's designee may hear and determine an excuse offered for not serving as a juror, including any claim of an exemption or a lack of qualification. The court's designee may discharge the prospective juror or postpone the prospective juror's service to a date specified by the court's designee, as appropriate, [and] if:

(1) the court's designee considers [~~deems~~] the excuse sufficient; and

(2) the juror submits to the court's designee a

statement of the ground of the exemption or lack of qualification or other excuse~~[, he may postpone the juror's service to a date specified by the court's designee].~~

SECTION 2. Sections 62.110(a) and (b), Government Code, are amended to read as follows:

(a) Except as provided by this section, a court may hear any reasonable sworn excuse of a prospective juror, including any claim of an exemption or a lack of qualification, and if the excuse is considered sufficient shall release him from jury service entirely or until another day of the term, as appropriate.

(b) Pursuant to a plan approved by the commissioners court of the county in the same manner as a plan is approved for jury selection under Section 62.011, the court's designee may:

(1) hear any reasonable excuse of a prospective juror, including any claim of an exemption or a lack of qualification; and

(2) discharge the juror or release him from jury service until a specified day of the term, as appropriate, if:

(A) the excuse is considered sufficient; and

(B) the juror submits to the court's designee a statement of the ground of the exemption or lack of qualification or other excuse.

SECTION 3. This Act applies only to persons summoned to appear for jury service on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2005.

David Swihurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 75 was passed by the House on March 31, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 75 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Galt
Secretary of the Senate

APPROVED: 18 JUNE '06

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:15 AM O'CLOCK
JUN 18 2005
Roger Williams
Secretary of State