

AN ACT

relating to the selection and summons of prospective grand jurors.

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

SECTION 1. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS. The district judge shall direct that the number of [20 to 125] prospective grand jurors the judge considers necessary to ensure an adequate number of jurors under Article 19.26 be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury as provided by this chapter.

SECTION 2. Article 19.08, Code of Criminal Procedure, is amended to read as follows:

Art. 19.08. QUALIFICATIONS. A [No] person may [shall] be selected or serve as a grand juror only if the person [who does not possess the following qualifications]:

(1) is at least 18 years of age;

(2) is [1. The person must be] a citizen of the United States;

(3) is a resident of this state, and of the county in which the person is to serve;

1           (4) is~~[, and be]~~ qualified under the Constitution and  
2 laws to vote in the ~~[said]~~ county in which the grand jury is  
3 sitting, regardless of whether the person is registered ~~[provided~~  
4 ~~that the person's failure to register]~~ to vote ~~[shall not be held to~~  
5 ~~disqualify the person in this instance];~~

6           (5) is ~~[2. The person must be]~~ of sound mind and good  
7 moral character;

8           (6) is ~~[3. The person must be]~~ able to read and write;

9           (7) has not ~~[4. The person must not have]~~ been  
10 convicted of misdemeanor theft or a felony;

11           (8) is not ~~[5. The person must not be]~~ under  
12 indictment or other legal accusation for misdemeanor theft or a  
13 felony;

14           (9) is ~~[6. The person must]~~ not ~~[be]~~ related within  
15 the third degree of consanguinity or second degree of affinity, as  
16 determined under Chapter [573](#), Government Code, to any person  
17 selected to serve or serving on the same grand jury;

18           (10) has ~~[7. The person must]~~ not ~~[have]~~ served as  
19 grand juror in the year before the date on which the term of court  
20 for which the person has been selected as grand juror begins; and

21           (11) is ~~[8. The person must]~~ not ~~[be]~~ a complainant  
22 in any matter to be heard by the grand jury during the term of court  
23 for which the person has been selected as a grand juror.

24           SECTION 3. The changes in law made by this Act apply to a  
25 grand jury impaneled on or after the effective date of this Act. A  
26 grand jury impaneled before the effective date of this Act is  
27 governed by the law in effect on the date the grand jury was

1 impaneled, and the former law is continued in effect for that  
2 purpose.

3 SECTION 4. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1298 passed the Senate on April 26, 2017, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1298 passed the House, with amendment, on May 24, 2017, by the following vote: Yeas 146, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor