

By: Bonnen

H.B. No. 501

A BILL TO BE ENTITLED

AN ACT

relating to a person's ability to read and write in English as a qualification for service as a petit juror.

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

SECTION 1. Section 62.102, Government Code, is amended to read as follows:

Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. A person is disqualified to serve as a petit juror unless the person:

(1) is at least 18 years of age;

(2) is a citizen of this state and of the county in which the person is to serve as a juror;

(3) is qualified under the constitution and laws to vote in the county in which the person is to serve as a juror;

(4) is of sound mind and good moral character;

(5) is able to read and write English;

(6) has not served as a petit juror for six days during the preceding three months in the county court or during the preceding six months in the district court;

(7) has not been convicted of misdemeanor theft or a felony; and

(8) is not under indictment or other legal accusation for misdemeanor theft or a felony.

SECTION 2. Section 62.103(a), Government Code, is amended to read as follows:

1 (a) A court may suspend the qualification for jury service  
2 that requires a person to be able to read and write English if it  
3 appears to the court that the requisite number of jurors able to  
4 read and write English cannot be found in the county.

5 SECTION 3. The heading to Section 62.109, Government Code,  
6 is amended to read as follows:

7 Sec. 62.109. EXEMPTION FOR PHYSICAL OR MENTAL IMPAIRMENT  
8 ~~[OR INABILITY TO COMPREHEND ENGLISH]~~.

9 SECTION 4. Sections 62.109(a), (b), and (f), Government  
10 Code, are amended to read as follows:

11 (a) The judge of a district court by order may permanently  
12 or for a specified period exempt from service as a juror in all the  
13 county and district courts in the county a person with a physical or  
14 mental impairment ~~[or with an inability to comprehend or~~  
15 ~~communicate in the English language]~~ that makes it impossible or  
16 very difficult for the person to serve on a jury.

17 (b) At the time the person is summoned for jury service or at  
18 any other time, a [A] person requesting an exemption under this  
19 section must:

20 (1) submit to the court an affidavit stating the  
21 person's name and address and the reason for and the duration of the  
22 requested exemption; and

23 (2) ~~[. A person requesting an exemption due to a~~  
24 ~~physical or mental impairment must]~~ attach to the affidavit a  
25 statement from a physician. ~~[The affidavit and physician's~~  
26 ~~statement may be submitted to the court at the time the person is~~  
27 ~~summoned for jury service or at any other time.]~~

1           (f) An affidavit accompanying a request for an exemption  
2 from jury service [~~because of a physical or mental impairment~~] may  
3 be presented by the affiant or by a friend or relative of the  
4 affiant. The affidavit must state:

5               (1) the name and address of the physician whose  
6 statement accompanies the affidavit;

7               (2) whether the request is for a permanent or  
8 temporary exemption;

9               (3) the period of time for which a temporary exemption  
10 is requested; and

11              (4) that as a direct result of the physical or mental  
12 impairment it is impossible or very difficult for the affiant to  
13 serve on a jury.

14           SECTION 5. Section 62.109(g), Government Code, is repealed.

15           SECTION 6. The change in law made by this Act applies only  
16 to a juror who is impaneled on or after the effective date of this  
17 Act. A juror who is impaneled before the effective date of this Act  
18 is governed by the law in effect on the date the juror is impaneled,  
19 and the former law is continued in effect for that purpose.

20           SECTION 7. This Act takes effect September 1, 2009.