

By: Hughes

H.B. No. 1321

A BILL TO BE ENTITLED

AN ACT

relating to the discharge of a jury under certain circumstances in a criminal case.

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

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

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

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

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