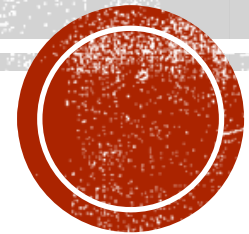


EVERYTHING JURY

October 2023



HB 616

- Government Code §51.60
- (e) As part of the 20 hours of initial instruction and continuing education courses prescribed under this section, a district clerk must complete one hour of instruction on impaneling petit and grand juries.
- HB 3474 and HB 2015
 - Effective 9/1/23 unless otherwise noted



TOPICS

- Governing Statutes
- Processes
- Jury plans
- Summons/questionnaires
- What is Confidential?
- Jury Lists
- Juror Pay
- Grand Jury



GOVERNING STATUTES

- PETIT JURY:
 - Government Code Chapter 61 – addresses juror payments
 - Government Code Chapter 62 – addresses jury selection processes
- GRAND JURY:
 - Texas Code of Criminal Procedure, Article 19A – Grand Jury Organization.
 - Texas Code of Criminal Procedure, Article 20A – Grand Jury Proceedings.
 - Texas Code of Criminal Procedure, Article 35.11- Preparation of List.



PROCESSES



TWO PROCESSES TO PULL JURORS

- There are two main ways to pull jurors;
- **Manual processes** (thru jury wheel cards) are outlined in sections 62.002, 62.003, 62.004, 62.005, 62.006, 62.007, 62.008, 62.009, 62.010, 62.012.
- **Electronic processes** thru a jury plan outlined in sections 62.011, 62.0111.
- **General sections that apply to both types of processes** – 62.002, 62.0125, 62.013, 62.0131, 62.0132, 62.014, 62.0141, 62.0142, 62.0143, 62.0144, 62.0145, 62.0146, 62.0147, 62.015, 62.016, 62.017, 62.0175, 62.018, 62.019, 62.020, 62.021, and all of Subchapter B Jury Qualifications, Sections 101 – 115.



JURY PLANS

- Chapter 62.011 and 62.0111, Government Code govern jury plans.
- 62.011 allows a county to adopt a jury plan outlining the method of jury selection by the aid of electronic or mechanical equipment instead of drawing the names from a jury wheel.



SUMMONS / QUESTIONNAIRES



WHO CAN SERVE A SUMMONS?

- **HB 3474 Amends Government Code, Sections 62.012(b), 62.013, 62.013(a) and (b), 62.014(a), 62.0145, 62.0146, 62.015(b), 62.016(d), 62.017(d), 62.0175(d), 62.411(a), 62.412(c).**
- Adds “the clerk” in addition to the sheriff or constable for summoning jurors in all courts.
- Gov’t Code §62.012
 - “(b) On receiving the notice from the judge, the clerk shall immediately write on the jury list the date that the prospective jurors are to be summoned to appear and shall either:
(1) summon the prospective jurors directly in the same manner a sheriff or constable would summon a juror under Section 62.013; or
(2) deliver the jury list:
 - (A) the sheriff, for a county or district court jury; or
 - (B) the sheriff or constable, for a justice court jury.”



ITS ALL ABOUT THE SUMMONS!

- HB 3474. Enabled us to modify the way we issue summons and questionnaires. It also allows us to separate summons from questionnaires. Below are the options we now have which we will go into detail about on the next few slides.
- 3 Options:
 1. Summons includes questionnaire.
 2. Mail summons and direct jurors to website to print the questionnaire.
 3. Mail summons and direct jurors to website to complete the questionnaire online – must have jury plan.



INFORMATION FOR ALL QUESTIONNAIRES

- **For any method** - using OCA previously published model summons/questionnaire
 - Exemptions 8 & 9 should not be listed in counties with populations of less than 200,000.
 - Exemption 9 (served in previous 3-year period) should not be listed in counties with a population less than 250,000.
 - Exemption 8 should not be listed in counties if county uses a jury plan and the period exceeds 2 years.
 - Exemption 9 should not be used if jury wheel has been reconstituted prior to the time that a person who has previously served as a petit juror in the county has again been summoned



**(C l e r k)
(C o n t a c t)
(I n f o r m a t i o n)**

**EXEMPTIONS FROM JURY SERVICE
(Texas Government Code, Section 62.106)**

1. You are over 70 years of age.
2. You have legal custody of a child or children younger than 12 years of age and service on the jury would require leaving the child or children without adequate supervision.
3. You are a student at a public or private high school.
4. You are enrolled and in actual attendance at an institution of higher education.
5. You are an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government.
6. You are the primary caretaker of a person who is unable to care for himself or herself. (This exemption does not apply to you if you are a primary caretaker only in your capacity as a health care worker.)
7. You are a member of the United States military forces serving on active duty and deployed to a location away from your home station and out of your county of residence;
8. You have served as a juror in this county during the 24-month period prior to the date you are required to appear by this summons.
9. You have been summoned for jury service in this county and you have served as a petit juror in this county during the three-year period prior to the date you are required to appear by this summons.

**QUALIFICATIONS FOR JURY SERVICE
(Texas Government Code, Section 62.102)**

To be qualified to serve as a juror you *must*:

1. be at least 18 years of age;
2. be a citizen of the United States;
3. be a resident of this state and a resident of the county in which you are to serve as a juror;
4. be qualified under the Constitution and laws to vote in the county in which you are to serve as a juror (*Note: You do not have to be registered to vote to be qualified to vote.*);
5. be of sound mind and good moral character;
6. be able to read and write;
7. not have served as a juror for six days during the preceding three months in the county court or during the preceding six months in the district court; and
8. not have been convicted of, or be under indictment or other legal accusation for, misdemeanor theft or a felony.

I certify that I am exempt or disqualified from jury service for the reasons circled above.

Signature

Date

Right to Reemployment: An employer may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the



OPTION 1

MAIL SUMMONS / QUESTIONNAIRE COMBO

- The updated OCA model that was originally designed to be printed on an 8 ½" by 11" card with a fold in the middle to result in an 8 ½" by 5 ½" mail piece should be used if a county wishes to mail both the jury summons and the questionnaire. Page one of the model is designed to be on the front of the card while page 2 is designed to be on the back.



JURY SUMMONS NO.

Dear Prospective Juror:
You are hereby summoned for
jury service as set out below:

Time:
Date:
Place:

Forwarding Service Requested
POSTMASTER
PLEASE DELIVER TO:

THE FOLLOWING "JUROR QUESTIONNAIRE" IS MANDATED BY GOVERNMENT CODE, SECTION 62.0132.
*Your answers are **CONFIDENTIAL**. Your answers may be disclosed only to the judge, court personnel, the litigant, the litigant's attorney, and, other than juror qualification information related to the legal accusation of, indictment for, or conviction of misdemeanor theft or a felony, to the county voter registrar.*

JUROR QUESTIONNAIRE PLEASE TYPE OR PRINT WITH INK ONLY					
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Race (required by State Law):		Age:	Date of Birth:
Your Name:		E-mail Address:			
Home Address:					
Mailing Address (if different from home):					
Primary Phone:		Alternate Phone:		County of Residence:	
Your Occupation:					
Your Employer:		How Long?			
Spouse's Name:		Spouse's Occupation:			
Are you a U.S. Citizen? <input type="checkbox"/> Y <input type="checkbox"/> N (Please see "Note" below.)					
Please check highest level of education completed: <input type="checkbox"/> No H.S. Diploma or GED <input type="checkbox"/> GED <input type="checkbox"/> H.S. Diploma <input type="checkbox"/> 2yr College <input type="checkbox"/> 4yr College/University <input type="checkbox"/> Post-Graduate <input type="checkbox"/> Other _____					
Current Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married					



OPTION 2

MAIL SUMMONS AND JUROR PRINTS QUESTIONNAIRE

- Gov't Code §62.0131(b)(4)(B)
- SUMMONS Must (minimum requirements; can include more):
 - Be 3 ½ by 5 inches or larger;
 - Provide the time and place for appearance;
 - Include Right to Reemployment (Civ. Prac. & Rem. Code, Ch. 122) and notice and Failure to Answer/False Info warning (Gov't Code 62.0141);
 - Provide the court's website so the juror can **PRINT** the model questionnaire;
 - List the Qualifications & Exemptions on the summons OR the website where these are posted;
 - At a minimum, a phone number to call (a live person) if the juror does not have access to the internet or have questions.



OPTION 3

MAIL SUMMONS AND JUROR COMPLETES QUESTIONNAIRE ONLINE — JURY PLAN REQUIRED.

- Gov't Code §62.0111 and §62.0131(b)(4)(C)
- SUMMONS Must (minimum requirements, can include more):
 - Be 3 ½ by 5 inches or larger;
 - Provide the time and place for appearance;
 - Include Right to Reemployment (Civ. Prac. & Rem. Code, Ch. 122) and notice and Failure to Answer/False Info warning (Gov't Code 62.0141);
 - Provide the court's website so the juror can **COMPLETE** the model questionnaire;
 - List the Qualifications & Exemptions on the summons OR the website where the questionnaire is posted;
 - At a minimum, a phone number to call (a live person) if the juror does not have access to the internet.





«Location Name»
«Location Address»
«Location City», «Location
State» «Court ZIP»

OFFICIAL BUSINESS
DO NOT DISCARD

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
ANAHUAC, TX
PERMIT NO

<JURY> SUMMONS

You are hereby summoned to serve as a
<juror> in Chambers County, Texas.



«First Name» «Middle Name» «Last Name» «Suffix»
«ELADDR»
«CITY», «STATE» «ZIPCODE»

«OEL»

«Bundle»
«Container»
«Pallet»
«Sort Order»
«Breakmark»

RESPOND ONLINE

Upon receipt of this summons
respond online at:

«Location Website»

CONTACT INFORMATION

Email

«LocationEmail»

Status Update (recording)

«Call In Phone»

Phone (live person)

Deferrals and Information
409-267-2432

Mail or in Person

2128 State Highway 61
P.O. Box NN
Anahuac, TX 77514

General Information

Excuses → Personal excuses such as illness, work, or hardship may only be granted by the Presiding Judge. These requests may be made at the time of reporting. A deferral/postponement can be granted by visiting «Location Website»

Certificate of service → If your employer requires proof of attendance, you may obtain an excuse at the District Clerk's Office after service is complete.

Security → You will be required to go through a metal detector when entering the courthouse. All briefcases, purses and packages will be x-rayed by security. Cellular phones and pagers must be turned off while in the courtroom.

Attire → All persons entering the courtroom should be dressed in clothing reasonably befitting the dignity and solemnity of the court proceedings. No shorts, tank tops, t-shirts, hats, or caps are allowed.

When paid → Jury checks will be processed 1-2 weeks after service has been completed and are valid for 90 days.

Persons with a disability → Access to jury service is available to all persons as required by the ADA, Act of 1990. If you are a person with a disability and are in need of accommodations, please call «Court Phone», no later than seven (7) days prior to your appearance date. You can also go to: www.co.chambers.tx.us/page/district-clerk to download the Juror Disability and Medical Certification Form.

Right to reemployment → A private employer may not terminate the employment of a permanent employee because the employee serves as a juror. An employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return (Civil Practice and Remedies Code §122.001).

«First Name» «Middle Name» «Last Name» «Suffix»
«DELADDR»
«CITY», «STATE» «ZIPCODE»



APPLY
FIRST-CLASS
POSTAGE
HERE

RETURN COMPLETED FORM TO:

Chambers County Jury Services
2128 State Highway 61
P.O. Box NN
Anahuac, TX 77514

Please go online to complete the Juror Questionnaire. A cell phone number for text messaging must be provided to participate in the online process.



Use a QR code reader on your smartphone to access the Jury Response website, or go to:
«Location Website»



«First Name» «Middle Name» «Last Name» «Suffix»
«DELADDR»
«CITY», «STATE» «ZIPCODE»



CANDIDATE ID: «CandidateID»

If you **cannot** respond online, complete this form and bring with you on day of service, or return by mail if claiming an exemption.

Failure to answer summons and provision of false information: A person may be fined not less than \$100 nor more than \$500 if the person fails to attend court in obedience to this summons without reasonable excuse (Article 19A.054, Code of Criminal Procedure).

YES	NO	QUALIFICATIONS FOR GRAND JURY SERVICE	Texas Code of Criminal Procedure, Article 19A.101
<input type="radio"/>	<input type="radio"/>	01. I am at least 18 years of age.	
<input type="radio"/>	<input type="radio"/>	02. I am a citizen of the United States. ¹	
<input type="radio"/>	<input type="radio"/>	03. I am a resident of this state and a resident of the county in which I am to serve as a grand juror.	
<input type="radio"/>	<input type="radio"/>	04. I am qualified under the Constitution and laws to vote in the county in which I am to serve as a grand juror. ²	
<input type="radio"/>	<input type="radio"/>	05. I am of sound mind and good moral character.	
<input type="radio"/>	<input type="radio"/>	06. I am able to read and write the English language.	
<input type="radio"/>	<input type="radio"/>	07. I have served as a grand juror in the year before the date on which the term of court for which I have been selected as a grand juror begins.	
<input type="radio"/>	<input type="radio"/>	08. I have been convicted of, and I am under indictment or other legal accusation for, misdemeanor theft or a felony.	
<input type="radio"/>	<input type="radio"/>	09. I am related within the third degree of consanguinity or second degree of affinity, as determined under Chapter 573, Government Code, to any person selected to serve or serving on the same grand jury.	
<input type="radio"/>	<input type="radio"/>	10. I am a complainant in any matter to be heard by the grand jury during the term of court for which I have been selected as a grand juror.	
YES	NO	EXEMPTIONS FOR GRAND JURY SERVICE	Texas Code of Criminal Procedure, Article 19A.102
<input type="radio"/>	<input type="radio"/>	11. I am over the age of 70 and wish to claim a temporary exemption.	
<input type="radio"/>	<input type="radio"/>	12. I am over the age of 70 and wish to claim a permanent exemption.	
<input type="radio"/>	<input type="radio"/>	13. I am responsible for the care of a child younger than 18 years of age and serving would leave them without adequate supervision.	
<input type="radio"/>	<input type="radio"/>	14. I am a student at a public or private high school.	
<input type="radio"/>	<input type="radio"/>	15. I am a student enrolled and in actual attendance at an institution of higher education.	

1. If you state you are not a U.S. citizen, you will no longer be eligible to vote if you fail to provide proof of U.S. citizenship to your county voter registrar.
2. You do not have to be registered to vote to be qualified to vote.

GRAND JUROR QUESTIONNAIRE			
Answers are confidential under Article 19A.104, Code of Criminal Procedure, and may be disclosed only to a party to a proceeding if the court, on a showing of good cause, permits it.			
16. Gender: <input type="radio"/> Male <input type="radio"/> Female	18. Marital status: <input type="radio"/> Single <input type="radio"/> Married <input type="radio"/> Separated <input type="radio"/> Divorced <input type="radio"/> Widowed	20. Have you served on a grand jury? <input type="radio"/> Yes <input type="radio"/> No	23. Race (required by state law): <input type="radio"/> Alaskan Native <input type="radio"/> Asian <input type="radio"/> Black/African American <input type="radio"/> Native Hawaiian/Pacific Islander <input type="radio"/> White <input type="radio"/> Other
17. Level of education completed: <input type="radio"/> No high school diploma or GED <input type="radio"/> High school or equivalent <input type="radio"/> College or technical degree <input type="radio"/> Undergraduate degree <input type="radio"/> Graduate degree	19. Number of children: Ages:	21. If yes to 20, when did you serve?	22. Have you served on a criminal jury? <input type="radio"/> Yes <input type="radio"/> No
DATE OF BIRTH	MOBILE PHONE	HOME PHONE (if different from mobile)	EMAIL
RECEIVE TEXT MESSAGES (Circle one) Yes <input type="radio"/> No <input type="radio"/>	YOUR OCCUPATION	YOUR EMPLOYER	TIME WITH THIS EMPLOYER
SPOUSE'S NAME	SPOUSE'S OCCUPATION	SPOUSE'S EMPLOYER	TIME WITH THIS EMPLOYER

§ 61.003 (a) and (b) Government Code gives you the right to donate your jury compensation to either of the following non-profit organizations selected by the Chambers County Commissioner's Court. Your payment is calculated at the rate of \$10 for the first day and \$40 for each day thereafter. For additional non-profit organization information, please visit: www.co.chambers.tx.us/page/districtclerk

I want to donate all of my first day jury compensation to the non-profit organization indicated:

- ☐ Chambers County Child Welfare Board ☐ Chambers County Fallen Officer's Memorial Fund ☐ Texas State Crime Victims Compensation Fund ☐ Bay Area Turning Point ☐ Mail me a check

I certify that all answers are true and correct.

Summons Date
«AttendDateLong»





Chambers County Jury Services

2128 State Highway 61

P.O. Box NN

Anahuac, TX 77514

juryservice@chamberstx.gov

<https://juryresponse.chamberstx.gov/>

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
PERMIT 7
ANAHUAC TX

JURY SUMMONS

Failure to appear can result in a fine, incarceration or both
(GC 62.0141, 62.111; CCP 19A.054; CPRC 122-Right to reemployment)

Juror ID: 0000018999



*****AUTO**5-DIGIT 77523

B2 C1 P1 000608

9911 PALM DR

MONT BELVIEU TX 77523-8790




YOU HAVE BEEN SUMMONED FOR JURY SERVICE

PLEASE BRING THIS POSTCARD WHEN YOU APPEAR



Reporting Information:

05/05/2023 09:00 AM
Grand Jury
407 South Main Street
Anahuac TX 77514

Step 1: Respond to this notice by completing the questionnaire using the QR code or  Response online services at <https://juryresponse.chamberstx.gov/> within 10 days.

If you do not have access to a computer please call 409-267-2432.

Step 2: ALL JURORS, if you do not hear from us, please check your reporting status using the QR code or eResponse online services, or call 409-207-8759 AFTER 5 P.M. on the business day before your Summons Date.

- Jurors who appear **WITHOUT CHECKING** their reporting status will **NOT** receive payment/credit for attendance.
- Please dress appropriately. Those dressed inappropriately will be rescheduled for jury duty. **NO SHORTS** or **UNIFORMS**.
- Questions or to send supporting documents: juryservice@chamberstx.gov



Juror ID 0000018999



Welcome to the eResponse System. This system is available to provide you with access to our Jury Department 24 hours a day, 7 days a week. Thank you and enjoy eResponse!

[Profile/Status](#)[Questionnaire](#)[Defer Service](#)[Excuse Service](#)[Disqualify Service](#)[Directions to Court](#)[Print Letters](#)

Questionnaire

Printer:

Microsoft XPS Document Writer ▼

Print

Cancel

Juror Questionnaire

(Originally submitted on: May 9, 2023 8:32 AM)

1. I am at least 18 years of age.

Answer: **Yes**

2. I am a citizen of the United States (Note: If you state that you are not a U.S. citizen, you will no longer be eligible to vote if you fail to provide proof of U.S. citizenship to the county voter registrar).

Answer: **Yes**

3. I am a resident of Chambers County, Texas.

Answer: **Yes**

4. I am qualified under the Constitution and laws to vote in Chambers County, Texas. (Note: you do NOT have to be registered to vote to be qualified to vote).

Answer: **Yes**

5. I am of sound mind and good moral character.

Answer: **Yes**

6. I am able to read and write the English language.

Answer: **Yes**

7. I have served as a juror for six days during the preceding three months in a county court or during the preceding six months in the district court.

Answer: **No**



Name : C [REDACTED], [REDACTED]

Gender: Female

Race: White

Hispanic: No

Age: 54

Address: 4802 WACLES RD DR BAYTOWN, TX 77525-1836

Date of Birth: [REDACTED]

Driver's License #: [REDACTED]

Cell Phone: (1 [REDACTED])

Occupation: Legal Assistant

Home Phone: [REDACTED]

Employer / How long: Rusty Hardin & Associates,

Marital Status: Married

Highest Level of Education: College or technical

of Children: 1

Spouse's Name: Michael Campbell

Ages of Children: 23

Spouse's Occupation: Skilled Labor

Spouse's Employer/How Long: Olmstede Ltd. - 3 mos.

Have you ever served as a juror before? Yes

If yes, what type? Civil

Do you have any special needs request? If so, describe how we can accommodate you? None

Notes:

Internal for attorneys

Name: C [REDACTED], [REDACTED]

Candidate ID: 0000036615

Pool No.: 00097

Panel No.: 49

QUESTIO
NNAIRE
FOR
ATTY.



CONVICTED DISQUALIFICATION NOW PERMANENT

- **HB 3474 Amends Government Code, Chapter 62 adding Section 62.115** Compilation of List of Convicted Persons. This new section requires clerks to maintain a list of the name and address of each person disqualified from jury service because the person was convicted of a misdemeanor theft or a felony and makes the disqualification permanent. The clerk may remove this person from the jury wheel. On the third business day of each month, the clerk shall send to the secretary of state a copy of the list of persons disqualified because of this disqualification. (Note: this was third party language added late in the session; we all know we can report electronically to the state thru TEAM.
- A person is exempt from this section if the person:
 - (1) was placed on deferred adjudication and received a dismissal and discharge in accordance with Article 42A.111, Code of Criminal Procedure;
 - (2) was placed on community supervision and the period of community supervision was terminated early under Article 42A.701, Code of Criminal Procedure; or
 - (3) was pardoned or has had the person's civil rights restored.
- Make sure that you have (8) has not been convicted of misdemeanor theft or a felony. And (9) is not under indictment or other legal accusation for misdemeanor theft or a felony, separated on your forms and within your system.
- Question: How would you know any of this? Ask your prosecutors or judge to make that determination.



Section 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 the United States;
- (3) is a resident of this state and of the county in which the person is to serve;
- (4) is qualified under the constitution and other laws to vote in the county in which the grand jury is sitting, regardless of whether the person is registered to vote;
- (5) is of sound mind and good moral character;
- (6) is able to read and write;
- (7) 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;
- (8) has not been convicted of misdemeanor theft or a felony; (permanent exemption)
- (9) is not under indictment or other legal accusation for misdemeanor theft or a felony; (temporary exemption)



OVER 70 EXEMPTION NOW OVER 75 IN PETIT JURY ONLY

- **HB 3474 Amends Government Code, Section 62.106(a), 62.107(c), 62.108(a), (b), (c), and (e), raises the over 70 exemption to over 75.**
- This applies only to an exemption from jury service for a person who is summoned to appear for service on or **after** September 1, 2023.
- An exemption from jury service for a person who is summoned to appear for service **before** September 1, 2023, is covered by the law in effect when the person was summoned, and that law is continued in effect for that purpose.



Section 62.106. EXEMPTIONS FROM JURY SERVICE. A person qualified to serve as a petit juror may establish an exemption from jury service if the person:

- (1) is over 75 years of age; (let your judge decide if it is 75+1day or they have to be 76)
- (2) has legal custody of a child younger than 12 years of age and the person's service on the jury requires leaving the child without adequate supervision;
- (3) is a student of a public or private secondary school (high school);
- (4) is a person enrolled and in actual attendance at an institution of higher education;
- (5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;
- (6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service; (if it does not apply in your county, leave it off)
- (7) is the primary caretaker of a person who is unable to care for himself or herself;
- (8) except as provided by Subsection (b), is summoned for service in a county with a population of at least 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service; (if it does not apply in your county, leave it off)
- (9) is a member of the United States military forces serving on active duty and deployed to a location away from the person's home station and out of the person's county of residence.



JURY LISTS



HB 3474 — DISQUALIFICATION & WHEEL

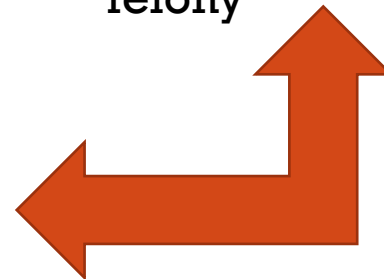
(BEGINS AT PAGE 78 OF 131 IN BILL)

- Gov't Code §62.001 – Reconstitution of Jury Wheel
 - §62.001(a)(2)(B) - Wheel constituted – Not include those disqualified under §62.102(1),(2), or (8)

2 (1) the names of all persons on the current voter
3 registration lists from all the precincts in the county; and
4 (2) all names on a current list to be furnished by the
5 Department of Public Safety, showing the citizens of the county
6 who:
7 (A) hold a valid Texas driver's license or a
8 valid personal identification card or certificate issued by the
9 department; and
10 (B) are not disqualified from jury service under
11 Section 62.102(1), (2), or (8) ~~[(7)]~~.

§62.102

- (1) 18 years old
- (2) citizen of US
- (7) not have served
preceding
3 mo. CCL or 6 mo. District
- (8) not have been
convicted of misd. theft or
felony



HB 3474 — EXEMPTIONS & WHEEL

(BEGINS AT PAGE 78 OF 131 IN BILL)

- Gov't Code §62.001 – Reconstitution of Jury Wheel
 - §62.001(b) - Wheel constituted – May not be placed in wheel - §§62.108, 62.109, 62.113, 62.114, 62.115

12 (b) Notwithstanding Subsection (a), the names of persons
13 listed on a register of persons exempt from jury service may not be
14 placed in the jury wheel, as provided by Sections 62.108, [and]
15 62.109, 62.113, 62.114, and 62.115.

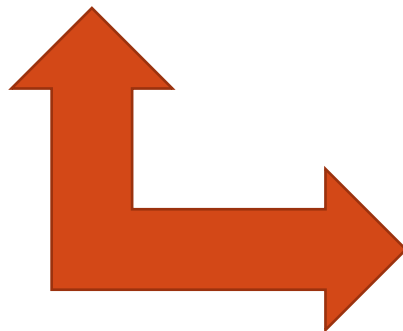
§62.108 perm. Age exempt

§62.109 perm. medical exempt

§62.113 noncitizens

§62.114 nonresidents

§62.115 (new) list of convicted persons



GENERAL EMPANELMENT BY THE DISTRICT CLERK

- 254 counties do it 254 different ways! However, many district clerk manage the jury wheel for the county and pull juries for all courts.
- If this is the case in your county, as the clerk managing that jury trial, the only responsibility you have is to get the panel list from the district clerk, let them know which jurors showed up and who was chosen for trial so the district clerk knows who to pay.



JURY LISTS

- Once you create a random jury list for a specific case trial, that is the order your jurors should stay in unless the court/attorney's, during the trial, request a shuffle.
- The only manipulating a clerk can do to a list prior to the trial date is to replace a juror that cannot make it (sick, deferred, etc.) by placing a new juror at the bottom of the list.
- For grand jury, the judge will go thru the list and questionnaires and sort them by location, sex, race, ethnicity, etc. to ensure they have a fair cross section of jurors in the county. **The clerk has no statutory authority to do this.**
- In other words, the clerks only job is to summons a random panel of jurors the judge and attorney's can work with and ensure the jurors are paid.



MENTAL IMPAIRMENT

- HB 3474 – Report to Voter Registrar – Physical or Mental Impairment or Inability to Comprehend English
- Gov't Code §62.109
 - Now only report PERMANENT exemptions to voter registrar



PAYING YOUR JURORS



NEW JURY PAY

HB 3474 (BEGINS AT PAGE 76 OF 131 IN BILL)

- Applies to both Grand Jury & Petit Jury
- Gov't Code §61.001
 - Not less than **\$20** (increased from \$6) for the first day
 - Not less than **\$58** (increased from \$40) after the first day
 - Note – statute says day or fraction of a day “the person is in attendance in court in response to the process”
- Gov't Code §61.0015 – State reimbursement to County
 - **\$14** for the first day (increased from \$0)
 - **\$52** for subsequent days (increased from \$34)
- Net cost to county to implement HB 3474 pay increases = \$0 (county is out of pocket the same \$6 per person as before)
- Commissioners Court can vote to pay more



HB 3474 — JUROR DONATION

(BEGINS AT PAGE 77 OF 131 IN BILL)

- Applies to both Grand Jury & Petit Jury
- Gov't Code §61.003
 - **Removes “after the jury service is concluded” (!!!!)**
 - Juror “provided the opportunity, either through a **written form or electronically**”
 - Directed to the treasurer “or a designated county employee”
 - Donate all or “the entire amount divided among the funds, programs, and county entities listed in this subsection”
 - Juror pay is not a property right under Chapters 72 and 74 Property Code, therefore, a payment not redeemed before the 90th day after it is issued is considered forfeited and placed back in the counties jury fund.



TREASURER'S PAYING JURORS

- 61.003 refers to Section 113.048 of Local Government Code
- This code states that a treasurer may disburse jury reimbursements by any of the following:
 - Using an electronic funds transfer system in accordance with Chapter 156 (Electronic Funds Transfer);
 - Using a cash dispensing machine;
 - Issuing a debit card or a stored value card;
 - Using any other method that the county treasurer and commissioners court determine is secure, accurate and cost effective and convenient for the jurors.



ELIGIBLE CHARITIES

- 61.003 cont,
- Charities eligible to receive jury donations upon adoption by commissioner's court:
- Victims Compensation;
- Child Welfare Board;
- Any nonprofit that provides shelter and services for victims of family violence;
- Any nonprofit that offers psychological counseling in criminal cases involving graphic evidence or testimony;
- A veterans treatment court program;
- A veterans county service office.
- The treasurer or a clerk shall collect the information and supply it to the treasurer for them to pay out.



THIRD PARTY VENDORS

- If you choose to work with your treasurer to use a third-party vendor to pay jurors keep a few things in mind.
- 1. Verify the per juror cost to your current process.
- 2. If you allow charitable donations, ensure they will load YOUR charities into their programing.
- 3. Verify they will send any uncollected juror pay back to the county as outlined in statute.



CHANGE OF VENUE AND JURY PAY

- Section 61.002 LIABILITY OF COUNTIES FOR PAYMENT OF JURY SERVICE.
- If a civil case is moved by change of venue and tried in another county by a jury, the county in which the case was originally filed is liable for the payment of the persons who report for jury service for the case.
- If the host county pulls the jurors for the case from a general empanelment, then you would only pay the jurors who were chosen for the voire dire process (in other words, the random jury panel for this case). Unless, of course, it all happens in the same day.
- The host county will send the original county a bill for the total expenses.



GRAND JURY



SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS ART. 19A.051

- Art. 19A.051. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS.
(a) The district judge shall direct that the number of prospective grand jurors the judge considers necessary to ensure an adequate number of grand jurors under Article 19A.201 be selected and summoned, with return on summons.
- (b) The prospective grand jurors shall be selected and summoned in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts.
- (c) The judge shall test the qualifications for and excuses from service as a grand juror and impanel the completed grand jury as provided by this chapter.

(It used to be 125 but we had that removed because we were not getting enough participation.)



PREPARATION OF LIST — CCP, ART. 35.11

- *When I was switching from direct summons to the general empanelment method (cattle call), my district judges told me I cannot take the jurors from the general empanelment out of order of that list when placing them in a panel (jury trial list). Luckily, Chief Deputy Doryn Glenn of Galveston District Clerk's office is a jury guru and sent me the law 😊*
- **Art. 35.11 PREPARATION OF LIST.** The trial judge, on the demand of the defendant or his attorney, or of the State's counsel, shall cause a sufficient number of jurors from which a jury may be selected to try the case to be randomly selected from the members of the general panel drawn or assigned as jurors in the case. The clerk shall randomly select the jurors by a computer or other process of random selection and shall write or print the names, in the order selected, on the jury list from which the jury is to be selected to try the case. The clerk shall deliver a copy of the list to the State's counsel and to the defendant or his attorney.



WHICH DISTRICT JUDGE EMPANELS THE GRAND JURY?

- It depends on your county. Some change every quarter or six months, some every two years when they are the administrative judge.
- In some counties the court coordinator of that district judge creates an order transferring the correct number of cases to the other courts and both the sending and receiving judge has to sign it.



LEGISLATIVE CHANGES TO SHERIFF'S INVOLVEMENT IN GRAND JURY

- 19A.052 and 19A.053 refers to the sheriff to summons qualified jurors.
- House Bill 3474 changed this to include the district clerk as well as the sheriff.
- It also allows the district clerk to summons additional jurors if needed.



JUROR PAY

- Chapter 61 of the Government Code governs juror pay for grand jury.



GRAND JURY CHOSEN CLERK'S RESPONSIBILITY

- The word “clerk” is not mentioned once in Art. 19A yet we have duties!
- Once the grand jurors are chosen by the district judge, the district clerk shall enter those names into the record. We receive a list from the court coordinator and keep it in a secured generic case file within our CMS. Some keep them in paper form. Do what you need but do keep them. They are often referred to when choosing future grand juries and even petit juries.
- In our office we are also tasked with submitting the payments for grand jury so we have to gather a list of the attendees from the DA every time they meet.



BEFORE INDICTMENT BONDS AND SUBPOENA'S

- Sometimes we have paperwork on a criminal case before the person is indicted.
- Bond's – can be held onto and added to the case once they are indicted.
- Subpoena's - Art. 20A.202 – (a) Grand jury proceedings are secret.
- (b) A subpoena or summons relating to a grand jury proceeding or investigation must be kept secret to the extent and for as long as necessary to prevent the unauthorized disclosure of a matter before the grand jury.
- Subpoena's – should be kept separate from the criminal case. Technically a clerk should not even have them but we all know the judges don't want to keep them so we end up with them.
- Suggestions would be an unmarked file in a cabinet or a generic electronic case for every year, example GJS-2022 not made available to the public or anyone. We file the application, issue the subpoena and file the executed copy if we receive it back.



DISQUALIFICATIONS / EXEMPTIONS



DISQUALIFICATIONS (7) AND (8)

- **HB 3474 by Leach/Zaffirini Amends Code of Criminal Procedure Article 19A.101 (a)(7) and adding (b)** amends the conviction disqualification to read “**has never been** convicted of a misdemeanor theft or a felony”. Title 2 does not apply. Deferred adjudication is not a conviction.
- (b) requires creation of a list of persons who were disqualified from serving based on their citizenship **or indictment or conviction for misdemeanor theft or a felony and send a copy of the list to the secretary of state and the prosecuting attorney.** (the same list you must prepare for petit juries in regard to these disqualifications).
- Effective September 1, 2023, any grand jurors summoned before this date will follow the form law in effect for that purpose.



Art. 19A.101. GRAND JUROR QUALIFICATIONS. A person may be selected or serve as a grand juror only if the person:

- (1) is at least 18 years of age;
- (2) is a citizen of the United States;
- (3) is a resident of this state and of the county in which the person is to serve;
- (4) is qualified under the constitution and other laws to vote in the county in which the grand jury is sitting, regardless of whether the person is registered to vote;
- (5) is of sound mind and good moral character;
- (6) is able to read and write;
- (7) has never been convicted of misdemeanor theft or a felony;
- (8) is not under indictment or other legal accusation for misdemeanor theft or a felony;
- (9) is not related within the third degree by consanguinity or second degree by affinity, as determined under Chapter 573, Government Code, to any person selected to serve or serving on the same grand jury;
- (10) has not served as a grand juror in the year before the date on which the term of court for which the person has been selected as a grand juror begins; and
- (11) is not a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected as a grand juror.

#9 A juror will not know the answer, so I don't include it in my questions – that is for the judge to ask.

Question – Does GC 62.115 apply to #7? OCA



Art. 19A.105. EXCUSES FROM GRAND JURY SERVICE. (a) The court shall excuse from serving any summoned person who does not possess the requisite qualifications.

(b) The following qualified persons may be excused from grand jury service:

(1) a person older than 70 years of age; (this was missed when petit age was changed, will be corrected during 89th session)

(2) a person responsible for the care of a child younger than 18 years of age;(how many want this changed to 12?)

(3) a student of a public or private secondary school;

(4) a person enrolled in and in actual attendance at an institution of higher education; and

(5) any other person the court determines has a reasonable excuse from service.



GRAND JURY - WHAT IS CONFIDENTIAL?

- Art. 19A.104(a) and GC Section 62.0132(f) PERSONAL INFORMATION CONFIDENTIAL. Information collected by the court, court personnel, or prosecuting attorney during the jury selection process is confidential and may not be disclosed by the court, court personnel, or prosecuting attorney.
- This information may be disclosed to the judge, court personnel, and prosecutors.
- 19A.104(c) provides that on a showing of good cause, the court shall permit disclosure of the information sought to ***a party to the proceeding***. There are no parties until a case is filed.
- After an indictment is filed, a party to the proceeding is entitled to this information only upon a showing of **good cause**.



WHO CAN I GIVE INFORMATION TO?

- The District Attorney – give them a list of grand jurors including their address. They need this to perform background checks on potential jurors prior to selection.
- The County Clerk – Local Government Code 152.015 – Salary Grievance Committee. (b) states the county clerk shall provide names of grand jurors who served during the preceding calendar year. For those chosen the county clerk can get their addresses from the district clerk or their voter roles.
- You only need to give the grand jury list to the county clerk when they request it for salary grievance.
- The District Judge – give them the list and questionnaires. They have to sort thru them to choose a fair cross section of jurors. Under no circumstances do clerks do this!



GRAND JURY BOOKS

- Many questions have come across clerks community about grand jury books.
- There is no statute requiring the district clerk to maintain grand jury books.
- Art. 20A.201 discusses the State being in charge of recordings, testimony, retention of records.
- If you are a clerk that maintains the grand jury books, they don't have to stay in a book. You can create a form and keep them in a 3 ring binder if you like.



NO BILLS

- The previous slide leads into this subject. I was always told No Bills were not to be given to me or me even see them. So...if you are maintaining the grand jury books they would be in there correct?
- Clerk's community has also had the question of what to do with defendant's paperwork (arrest, bond, letter of representation) when they are No Billed but we don't receive notice of the No Bill so it just stays with us. Suggestions?



WHAT IF MYSELF OR MY EMPLOYEE IS ON THE GRAND JURY LIST?

- Believe it or not you or your staff can be chosen for grand jury.



AFTER INDICTMENT

- After the indictments are delivered to your office, you need to create the cases for each one. Many judges require that the same defendant on multiple charges be placed in the same court. Or co-defendant's be placed in the same court. Consult with your district judges for clarification.
- Depending on how your DA indicts their cases you could have one charge on each indictment or multiple charges on the same indictment.
- How you process this depends on your case management system.
- Discussion?



RETENTION?

LOCAL GOVERNMENT CODE 203.041 TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

- 2200-01 Juror lists – lists of persons chosen for service in district, county, or justice courts or on grand juries, including lists of persons whose service has been postponed and defendant's and plaintiff's lists. 1 year.
- 2200-05 Jury questionnaires - 30 days unless motion for new trial is filed.
- 2225-02 Examining trial record or register – record or register of complaints or examining trial cases referred to the grand jury (grand jury books). As long as administratively valuable.
- 2225-07 Indictment record – register or card file logging indictments returned by the grand jury (list you receive from judge or state – might include bond conditions/limits).
- 2225-09 Subpoena's – 2 years.
- 2225-11 List of Potential Grand Jurors – includes sheriff's return of certification-administratively valuable.



QUESTIONS & ANSWERS FROM CLERK'S COMMUNITY

- Q=Our district judge assessed a fine for “failure to appear for grand jury”. The person paid the fine. What do you do with it?
- A=General Fund was the general consensus but now that we have a jury fund that the county keeps, it should probably go there (SB41).
- Q=DA asked a district clerk to sign a certificate to the juvenile court that the grand jury found probable cause that a juvenile engaged in alleged conduct and present a certification and approval of the petition the district judge already signed. Do we sign this? If so, do we retain copies? For how long and where?
- A=The grand jury foreman should sign the Grand Jury Certificate Regarding Juvenile Petition stating they approve the determinate sentence and transfer to the district court or they sign disapproving it. We get a certified copy of it from the County Clerk's office, file the case in district court as a felony and move it thru the system.



THIS WAS A TEAM EFFORT

- Questions?

- Patti L. Henry, Chambers County District Clerk, JMS-general empanelment (cattle call) (Tyler) pHenry@chamberstx.gov
- Velva Price, Travis County District Clerk, i-Jury (home grown, will share) velva.price@traviscountytexas.gov
- Sharena Gilliland, Parker County District Clerk, JMS-direct summons (Tyler) sharena.Gilliland@parkercountytexas.com
- Clarissa Webster, Ector County District Clerk, ICON Jury clarissa.webster@ectorcountytexas.gov
- Heather Marks, Judicial Systems hmarks@sanpatriciocountytexas.gov
- Terri Willard, Net Data dcclerk1@ruskcountytexas.gov
- And Margie Johnson, Assistant General Counsel of the OCA margie.johnson@txcourts.gov

