

## CHAPTER 372

S.B. No. 46

## AN ACT

relating to a reversal of a conviction in a criminal case on the grounds of service by a disqualified juror.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 44, Code of Criminal Procedure, is amended by adding Article 44.46 to read as follows:

*Art. 44.46. REVERSAL OF CONVICTION ON THE BASIS OF SERVICE ON JURY BY A DISQUALIFIED JUROR. A conviction in a criminal case may be reversed on appeal on the ground that a juror in the case was absolutely disqualified from service under Article 35.19 of this code only if:*

*(1) the defendant raises the disqualification before the verdict is entered; or*

*(2) the disqualification was not discovered or brought to the attention of the trial court until after the verdict was entered and the defendant makes a showing of significant harm by the service of the disqualified juror.*

SECTION 2. The change in law made by this Act applies only to the trial of an offense that begins on or after the effective date of this Act. A trial for an offense that begins before the effective date of this Act is governed by the law in effect at the time the trial begins.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 16, 1993, by a viva-voce vote; passed the House on May 22, 1993, by a non-record vote.

Approved June 2, 1993.

Effective Sept. 1, 1993.