

CHAPTER 589

H.B. No. 2408

AN ACT

relating to the hearing and determination of juror excuses and the postponement of jury service.

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

SECTION 1. Chapter 29, Code of Criminal Procedure, is amended by adding Article 29.012 to read as follows:

Art. 29.012. RELIGIOUS HOLY DAY. (a) In this article:

(1) "Religious organization" means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.

(2) "Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.

(b) If a juror in a criminal action is required to appear at a court proceeding on a religious holy day observed by the juror, the court or the court's designee shall recess the criminal action until the next day the court is in session after the conclusion of the holy day.

(c) A juror seeking a recess must file with the court before the final selection of the jury an affidavit stating:

(1) the grounds for the recess; and

(2) that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the recess is sought.

(d) An affidavit filed under Subsection (c) of this section is proof of the facts stated and need not be corroborated.

SECTION 2. Article 35.03, Code of Criminal Procedure, is amended to read as follows:

Art. 35.03. EXCUSES

Sec. 1. Except as provided by Section 2 of this article, the [The] court shall then hear and determine excuses offered for not serving as a juror, either on a sworn statement

from the juror or in person and under oath, and if the court [he] deems the excuse sufficient, the court [he] shall discharge the juror or postpone the juror's service.

Sec. 2. Under a plan approved by the commissioners court of the county in the same manner as a plan is approved for jury selection under Section 62.011, Government Code, in a case other than a capital felony case, the court's designee may hear and determine an excuse offered for not serving as a juror, either on a sworn statement from the juror or in person and under oath, and if the court's designee deems the excuse sufficient, he may postpone the juror's service.

SECTION 3. Section 62.110, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) *Pursuant to a plan approved by the commissioners court of the county in the same manner as a plan is approved for jury selection under Section 62.011, the court's designee may hear any reasonable sworn excuse of a prospective juror and release him from jury service until another day of the term.*

(c) *The court or the court's designee as provided by this section may not excuse a prospective juror for an economic reason unless each party of record is present and approves the release of the juror for that reason.*

SECTION 4. Subchapter B, Chapter 62, Government Code, is amended by adding Section 62.112 to read as follows:

Sec. 62.112. EXCUSE OF JUROR FOR RELIGIOUS HOLY DAY. (a) In this section:

(1) *"Religious organization" means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.*

(2) *"Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.*

(b) *If a prospective juror is required to appear at a court proceeding on a religious holy day observed by the prospective juror, the court or the court's designee shall release the prospective juror from jury service entirely or until another day of the term. If the court determines that a term of a court proceeding may extend to cover a day on which a religious holy day is observed by the prospective juror, the court or the court's designee shall release the prospective juror from jury service entirely or until another day of the term.*

(c) *A prospective juror who seeks to be released from jury service may be required to file with the court an affidavit stating:*

(1) *the grounds for the release; and*

(2) *that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the release from jury duty is sought.*

SECTION 5. Subtitle B, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 23 to read as follows:

CHAPTER 23. JUROR CONTINUANCE

Sec. 23.001. DEFINITIONS. In this chapter:

(1) *"Religious organization" means an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code.*

(2) *"Religious holy day" means a day on which the tenets of a religious organization prohibit its members from participating in secular activities, such as court proceedings.*

Sec. 23.002. RECESS. (a) If a juror in a civil action is required to appear at a court proceeding on a religious holy day observed by the juror, the court or the court's designee shall recess the civil action until the next day the court is in session after the conclusion of the holy day.

(b) A juror seeking a recess must file with the court before the final selection of the jury an affidavit stating:

(1) the grounds for the recess; and

(2) that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the recess is sought.

(c) An affidavit filed under Subsection (b) is proof of the facts stated and need not be corroborated.

SECTION 6. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by the following vote: Yeas 134, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2408 on May 29, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 27, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.
