

CODE OF CRIMINAL PROCEDURE

CHAPTER 19. ORGANIZATION OF THE GRAND JURY

Repealed effective Jan. 1, 2021 (HB 4173, §3.01(2)). Now see Code of Criminal Procedure Chapters 19A & 20A. Section 4.01 of HB 4173 provides: "This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act."

CHAPTER 19A. GRAND JURY ORGANIZATION

Subchapter A. General Provisions

ART. 19A.001. DEFINITIONS

In this chapter:

- (1) "Array" means the whole body of persons summoned to serve as grand jurors before the grand jurors have been impaneled.
- (2) "Panel" means the whole body of grand jurors.

Enacted effective Jan. 1, 2021 (HB 4173, §1.03). Section 4.02 of HB 4173 provides: "(a) Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure. (b) A reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute."

Subchapter B. Selection and Summons of Prospective Grand Jurors

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.

ART. 19A.052. QUALIFIED PERSONS SUMMONED

On directing the sheriff to summon grand jurors, the court shall instruct the sheriff to not summon a person to serve as a grand juror who does not possess the qualifications prescribed by law.

ART. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED

- (a) If fewer than 16 persons summoned to serve as grand jurors are found to be in attendance and qualified to serve, the court shall order the sheriff to summon an additional number of persons considered necessary to constitute a grand jury of 12 grand jurors and four alternate grand jurors.

- (b) The sheriff shall summon the additional prospective grand jurors under Subsection (a) in person to attend before the court immediately.

ART. 19A.054. FAILURE TO ATTEND

The court, by an order entered on the record, may impose a fine of not less than \$100 and not more than \$500 on a legally summoned grand juror who fails to attend without a reasonable excuse.

Subchapter C. Grand Juror Qualifications; Excuses from Service

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 not 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.

ART. 19A.102. TESTING QUALIFICATIONS OF PROSPECTIVE GRAND JURORS

- (a) When at least 14 persons summoned to serve as grand jurors are present, the court shall test the qualifications of the prospective grand jurors to serve as grand jurors.
- (b) Before impaneling a grand juror, the court or a person under the direction of the court must interrogate under oath each person who is presented to serve as a grand juror regarding the person's qualifications.
- (c) In testing the qualifications of a person to serve as a grand juror, the court or a person under the direction of the court shall ask:
 - (1) "Are you a citizen of this state and county, and qualified to vote in this county, under the constitution and laws of this state?";
 - (2) "Are you able to read and write?";
 - (3) "Have you ever been convicted of misdemeanor theft or any felony?"; and
 - (4) "Are you under indictment or other legal accusation for misdemeanor theft or for any felony?".

ART. 19A.103. QUALIFIED GRAND JURORS ACCEPTED

If, by the person's answer, it appears to the court that the person is a qualified grand juror, the court shall accept the person as a grand juror unless it is shown that the person:

- (1) is not of sound mind or of good moral character; or
- (2) is in fact not qualified to serve as a grand juror.

**ART. 19A.104. PERSONAL INFORMATION
CONFIDENTIAL**

(a) Except as provided by Subsection (c), information collected by the court, court personnel, or prosecuting attorney during the grand jury selection process about a person who serves as a grand juror is confidential and may not be disclosed by the court, court personnel, or prosecuting attorney.

(b) Information that is confidential under Subsection (a) includes a person's:

- (1) home address;
- (2) home telephone number;
- (3) social security number;
- (4) driver's license number; and
- (5) other personal information.

(c) On a showing of good cause, the court shall permit disclosure of the information sought to a party to the proceeding.

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;
- (2) a person responsible for the care of a child younger than 18 years of age;
- (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.

Subchapter D. Challenge to Array or Grand Juror

ART. 19A.151. ANY PERSON MAY CHALLENGE

(a) Before the grand jury is impaneled, any person may challenge the array of grand jurors or any person presented as a grand juror. The court may not hear objections to the qualifications and legality of the grand jury in any other way.

(b) A person confined in jail in the county shall, on the person's request, be brought into court to make a challenge described by Subsection (a).

ART. 19A.152. CHALLENGE TO ARRAY

(a) A challenge to the array may be made only for the following causes:

- (1) that the persons summoned as grand jurors are not in fact the persons selected by the method provided by Article 19A.051; or
- (2) that the officer who summoned the grand jurors acted corruptly in summoning any grand juror.

(b) A challenge to the array must be made in writing.

ART. 19A.153. CHALLENGE TO GRAND JUROR

(a) A challenge to a grand juror may be made orally for any of the following causes:

- (1) that the grand juror is insane;
- (2) that the grand juror has a defect in the organs of feeling or hearing, or a bodily or mental defect or disease that renders the grand juror unfit for grand jury service, or that the grand juror is legally blind and the court in its discretion is not satisfied that the grand juror is fit for grand jury service in that particular case;
- (3) that the grand juror is a witness in or a target of an investigation of a grand jury;
- (4) that the grand juror served on a petit jury in a former trial of the same alleged conduct or offense that the grand jury is investigating;
- (5) that the grand juror has a bias or prejudice in favor of or against the person accused or suspected of committing an offense that the grand jury is investigating;
- (6) that from hearsay, or otherwise, there is established in the mind of the grand juror a conclusion as to the guilt or innocence of the

person accused or suspected of committing an offense that the grand jury is investigating that would influence the grand juror's vote on the presentment of an indictment;

(7) that the grand juror is related within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a person accused or suspected of committing an offense that the grand jury is investigating or to a person who is a victim of an offense that the grand jury is investigating;

(8) that the grand juror has a bias or prejudice against any phase of the law on which the state is entitled to rely for an indictment;

(9) that the grand juror is not a qualified grand juror; or

(10) that the grand juror is the prosecutor on an accusation against the person making the challenge.

(b) A challenge under Subsection (a)(3) may be made ex parte. The court shall review and rule on the challenge in an in camera proceeding. The court shall seal any record of the challenge.

(c) In this article, "legally blind" has the meaning assigned by Article 35.16(a).

**ART. 19A.154. DETERMINATION OF VALIDITY OF
CHALLENGE**

When a person challenges the array or a grand juror, the court shall hear proof and decide in a summary manner whether the challenge is well founded.

**ART. 19A.155. ADDITIONAL PROSPECTIVE GRAND
JURORS SUMMONED FOLLOWING CHALLENGE**

(a) If the court sustains a challenge to the array, the court shall order another grand jury to be summoned.

(b) If, because of a challenge to any particular grand juror, fewer than 12 grand jurors remain, the court shall order the panel to be completed.

Subchapter E. Impaneling of Grand Jury

ART. 19A.201. GRAND JURY IMPANELED

(a) When at least 16 qualified grand jurors are found to be present, the court shall select 12 fair and impartial persons as grand jurors and 4 additional persons as alternate grand jurors to serve on disqualification or unavailability of a grand juror during the term of the grand jury. The grand jurors and the alternate grand jurors must be randomly selected from a fair cross section of the population of the area served by the court.

(b) The court shall impanel the grand jurors and alternate grand jurors, unless a challenge is made to the array or to a particular person presented to serve as a grand juror or an alternate grand juror.

(c) A grand juror is considered to be impaneled after the grand juror's qualifications have been tested and the grand juror has been sworn.

ART. 19A.202. OATH OF GRAND JURORS

The court or a person under the direction of the court shall administer the following oath to the grand jurors when the grand jury is completed: "You solemnly swear that you will diligently inquire into, and true presentment make, of all such matters and things as shall be given you in charge; the State's counsel, your fellows and your own, you shall keep secret, unless required to disclose the same in the course of a judicial proceeding in which the truth or falsity of evidence given in the grand jury room, in a criminal case, shall be under investigation. You shall present no person from envy, hatred or malice; neither shall you leave any person unrepresented for love, fear, favor, affection or hope of reward; but you shall present things truly as they come to your knowledge, according to the best of your understanding, so help you God."

ART. 19A.203. FOREPERSON

(a) When the grand jury is completed, the court shall appoint one of the grand jurors as foreperson.

(b) If the foreperson is for any cause absent or unable or disqualified to act, the court shall appoint another grand juror as foreperson.

ART. 19A.204. COURT INSTRUCTIONS

The court shall instruct the grand jury regarding the grand jurors' duty.

Subchapter F. Organization and Term of Grand Jury

ART. 19A.251. QUORUM

Nine grand jurors constitute a quorum for the purpose of discharging a duty or exercising a right properly belonging to the grand jury.

ART. 19A.252. DISQUALIFICATION OR UNAVAILABILITY OF GRAND JUROR

(a) On learning that a grand juror has become disqualified or unavailable during the term of the grand jury, the attorney representing the state shall prepare an order for the court:

- (1) identifying the disqualified or unavailable grand juror;
- (2) stating the basis for the disqualification or unavailability;
- (3) dismissing the disqualified or unavailable grand juror from the grand jury; and
- (4) naming one of the alternate grand jurors as a member of the grand jury.

(b) The procedure established by this article may be used on disqualification or unavailability of a second or subsequent grand juror during the term of the grand jury.

(c) For purposes of this article, a grand juror is unavailable if the grand juror is unable to participate fully in the duties of the grand jury because of:

- (1) the death of the grand juror;
- (2) a physical or mental illness of the grand juror; or
- (3) any other reason the court determines constitutes good cause for dismissing the grand juror.

ART. 19A.253. RECUSAL OF GRAND JUROR

(a) A grand juror who, during the course of the grand juror's service on the grand jury, determines that the grand juror could be subject to a valid challenge for cause under Article 19A.153, shall recuse himself or herself from grand jury service until the cause no longer exists.

(b) A grand juror who knowingly fails to recuse himself or herself under Subsection (a) may be held in contempt of court.

(c) A person authorized to be present in the grand jury room shall report a known violation of Subsection (a) to the court.

(d) The court shall instruct the grand jury regarding the duty imposed by this article.

ART. 19A.254. REASSEMBLY OF GRAND JURY

A grand jury discharged by the court for the term may be reassembled by the court at any time during the term.

ART. 19A.255. EXTENSION OF TERM

(a) If, before the expiration of the term for which the grand jury was impaneled, the foreperson or a majority of the grand jurors declares in open court that the grand jury's investigation of the matters before the grand jury cannot be concluded before the expiration of the term, the judge of the district court in which the grand jury was impaneled may, by an order entered on the minutes of the court, extend, from time to time, the period during which the grand jury serves, for the purpose of concluding the investigation of matters then before the grand jury.

(b) The extended period during which the grand jury serves under Subsection (a) may not exceed a total of 90 days after the expiration date of the term for which the grand jury was impaneled.

(c) All indictments pertaining to the investigation for which the extension was granted returned by the grand jury during the extended period are as valid as if returned before the expiration of the term.

Subchapter G. Bailiffs

ART. 19A.301. BAILIFFS APPOINTED; COMPENSATION

(a) The court and the district attorney may each appoint one or more bailiffs to attend to the grand jury.

(b) The court, or a person under the direction of the court, shall administer the following oath to each bailiff at the time of appointment: "You solemnly swear that you will faithfully and impartially perform all the duties of bailiff of the grand jury, and that you will keep secret the proceedings of the grand jury, so help you God."

(c) Bailiffs appointed under this article shall be compensated in an amount set by the applicable county commissioners court.

ART. 19A.302. BAILIFF'S DUTIES

(a) A bailiff shall:

- (1) obey the instructions of the foreperson;
- (2) summon all witnesses; and
- (3) perform all duties the foreperson requires of the bailiff.

(b) One bailiff shall always be with the grand jury if two or more bailiffs are appointed.

ART. 19A.303. BAILIFF'S VIOLATION OF DUTY

(a) A bailiff may not:

- (1) take part in the discussions or deliberations of the grand jury; or
- (2) be present when the grand jury is discussing or voting on a question.

(b) The grand jury shall report to the court any violation of duty by a bailiff. The court may punish the bailiff for the violation as for contempt.

CCP CHAPTER 19 DISPOSITION CHART TO CCP CHAPTER 19A

<u>Ch. 19 Reference</u>	<u>New number</u>	<u>Ch. 19 Reference</u>	<u>New number</u>	<u>Ch. 19 Reference</u>	<u>New number</u>
19.01		19.26		19.32	19A.154
S1, Cl 1	19A.051(a)	(a) S1	19A.201(a) S1 Cl 1	19.33	19A.155
S1, Cl 2	19A.051(b)	(a) S2	19A.201(a) S2	19.34	
S2	19A.051(c)	(b) S1	19A.201(b)	Cl 1	19A.203(a)
19.07	19A.255	(b) S2	19A.201(a) S1 Cl 2	Cl 2 + oath	19A.202
19.08	19A.101	(b) S3	19A.252(a)	19.35	19A.204
19.16	19A.054	(b) S4	19A.252(b)	19.36	19A.301
19.18	19A.053(a)	(b) S5	19A.252(c)	19.37	19A.302
19.19	19A.053(b)	19.27		19.38	19A.303
19.20	19A.052	S1	19A.151(a)	19.39	19A.203
19.21	19A.102(a)	S2	19A.151(b)	19.40	19A.251
19.22	19A.102(b)	19.28	19A.001(1)	19.41	19A.254
19.23	19A.102(c)	19.29		19.42	
19.24	19A.103	S1	19A.201(c)	(a)	19A.104(a)-(b)
19.25	19A.105	S2	19A.001(2)	(b)	19A.104(c)
		19.30	19A.152		
		19.31	19A.153		
		19.315			
		(a) S1	19A.253(a)		
		(a) S2	19A.253(b)		
		(a) S3	19A.253(c)		
		(b)	19A.253(d)		

CCP CHAPTER 19A SOURCE CHART FROM CCP CHAPTER 19

<u>New Art.</u>	<u>Ch. 19 reference</u>	<u>New Art.</u>	<u>Ch. 19 reference</u>	<u>New Art.</u>	<u>Ch. 19 reference</u>
19A.001		19A.104		19A.204	19.35
(1)	19.28	(a)-(b)	19.42(a)	19A.251	19.40
(2)	19.29 S2	(c)	19.42(b)	19A.252	
19A.051		19A.105	19.25	(a)	19.26(b) S3
(a)	19.01 S1 Cl 1	19A.151	19.27	(b)	19.26(b) S4
(b)	19.01 S1 Cl 2	19A.152	19.30	(c)	19.26(b) S5
(b)	19.01 S2	19A.153	19.31	19A.253	
19A.052	19.20	19A.154	19.32	(a)	19.315(a) S1
19A.053		19A.155	19.33	(b)	19.315(a) S2
(a)	19.18	19A.201		(c)	19.315(a) S3
(b)	19.19	(a) S1 Cl 1	19.26(a) S1	(c)	19.315(b)
19A.054	19.16	(a) S1 Cl 2	19.26(b) S2	19A.254	19.41
19A.101	19.08	(a) S2	19.26(a) S2	19A.255	19.07
19A.102		(b)	19.26(b) S1	19A.301	
(a)	19.21	(c)	19.29 Cl 1	(a)	19.36 S1 Cl 1
(b)	19.22	19A.202	19.34 Cl 2 + oath	(b)	19.36 S1 Cl 2
(c)	19.23	19A.203		(c)	19.36 S2
19A.103	19.24	(a)	19.34 Cl 1	19.302	19.37
		(b)	19.39	19.303	19.38

Note: In these charts, "S" = sentence, and "Cl" = clause.

CHAPTER 20. DUTIES AND POWERS OF THE GRAND JURY

Repealed effective Jan. 1, 2021 (HB 4173, §3.01(2)). Now see Code of Criminal Procedure Chapters 19A & 20A. See effective note following Art. 19A.001.

CHAPTER 20A. GRAND JURY PROCEEDINGS

Subchapter A. General Provisions

ART. 20A.001. DEFINITIONS

In this chapter:

- (1) "Attorney representing the state" means the attorney general, district attorney, criminal district attorney, or county attorney.
- (2) "Foreperson" means the foreperson of the grand jury appointed under Article 19A.203.

Enacted effective Jan. 1, 2021 (HB 4173, §1.04). See effective note following Art. 19A.001.

Subchapter B. Duties of Grand Jury and Grand Jurors

ART. 20A.051. DUTIES OF GRAND JURY

The grand jury shall inquire into all offenses subject to indictment of which any grand juror may have knowledge or of which the grand jury is informed by the attorney representing the state or by any other credible person.

ART. 20A.052. DUTIES AND POWERS OF FOREPERSON

- (a) The foreperson shall:
 - (1) preside over the grand jury's sessions; and
 - (2) conduct the grand jury's business and proceedings in an orderly manner.
- (b) The foreperson may appoint one or more of the grand jurors to act as clerks for the grand jury.

ART. 20A.053. MEETING AND ADJOURNMENT

The grand jury shall meet and adjourn at times agreed on by a majority of the grand jury, except that the grand jury may not adjourn for more than three consecutive days unless the court consents to the adjournment. With the court's consent, the grand jury may adjourn for a longer period and shall conform the grand jury's adjournments as closely as possible to the court's adjournments.

Subchapter C. Grand Jury Room; Persons Authorized To Be Present

ART. 20A.101. GRAND JURY ROOM

After the grand jury is organized, the grand jury shall discharge the grand jury's duties in a suitable place that the sheriff shall prepare for the grand jury's sessions.

ART. 20A.102. PERSONS WHO MAY BE PRESENT IN GRAND JURY ROOM

- (a) While the grand jury is conducting proceedings, only the following persons may be present in the grand jury room:
 - (1) a grand juror;
 - (2) a bailiff;
 - (3) the attorney representing the state;
 - (4) a witness:
 - (A) while the witness is being examined; or
 - (B) when the witness's presence is necessary to assist the attorney representing the state in examining another witness or presenting evidence to the grand jury;

- (5) an interpreter, if necessary;
 - (6) a stenographer or a person operating an electronic recording device, as provided by Article 20A.201; and
 - (7) a person operating a video teleconferencing system for use under Article 20A.259.
- (b) While the grand jury is deliberating, only a grand juror may be present in the grand jury room.

ART. 20A.103. ATTORNEY REPRESENTING STATE ENTITLED TO APPEAR

The attorney representing the state is entitled to appear before the grand jury and inform the grand jury of offenses subject to indictment at any time except when the grand jury is discussing the propriety of finding an indictment or is voting on an indictment.

ART. 20A.104. PERSONS WHO MAY ADDRESS GRAND JURY

No person may address the grand jury about a matter before the grand jury other than the attorney representing the state, a witness, or the accused or suspected person or the attorney for the accused or suspected person if approved by the attorney representing the state.

Subchapter D. Advice to Grand Jury

ART. 20A.151. ADVICE FROM ATTORNEY REPRESENTING STATE

The grand jury may send for the attorney representing the state and ask the attorney's advice on any matter of law or on any question regarding the discharge of the grand jury's duties.

ART. 20A.152. ADVICE FROM COURT

- (a) The grand jury may seek and receive advice from the court regarding any matter before the grand jury. For that purpose, the grand jury shall go into court in a body.
- (b) The grand jury shall ensure that the manner in which the grand jury's questions are asked does not divulge the particular accusation pending before the grand jury.
- (c) The grand jury may submit questions to the court in writing. The court may respond to those questions in writing.

Subchapter E. Recording and Disclosure of Grand Jury Proceedings

ART. 20A.201. RECORDING OF ACCUSED OR SUSPECTED PERSON'S TESTIMONY; RETENTION OF RECORDS

- (a) The examination of an accused or suspected person before the grand jury and that person's testimony shall be recorded by a stenographer or by use of an electronic device capable of recording sound.
- (b) The validity of a grand jury proceeding is not affected by an unintentional failure to record all or part of the examination or testimony under Subsection (a).
- (c) The attorney representing the state shall maintain possession of all records other than stenographer's notes made under Subsection (a) and any typewritten transcription of those records, except as otherwise provided by this subchapter.

ART. 20A.202. PROCEEDINGS SECRET

- (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. This subsection may not be construed to limit a disclosure permitted by Article 20A.204(b), (c), or (d) or 20A.205(a) or (b).

ART. 20A.203. DISCLOSURE BY PERSON IN PROCEEDING PROHIBITED

(a) A grand juror, bailiff, interpreter, stenographer or person operating an electronic recording device, person preparing a typewritten transcription of a stenographic or electronic recording, or person operating a video teleconferencing system for use under Article 20A.259 who discloses anything transpiring before the grand jury in the course of the grand jury's official duties, regardless of whether the thing transpiring is recorded, may be punished by a fine not to exceed \$500, as for contempt of court, by a term of confinement not to exceed 30 days, or both.

(b) A witness who reveals any matter about which the witness is examined or that the witness observes during a grand jury proceeding, other than when the witness is required to give evidence on that matter in due course, may be punished by a fine not to exceed \$500, as for contempt of court, and by a term of confinement not to exceed six months.

ART. 20A.204. DISCLOSURE BY ATTORNEY REPRESENTING STATE

(a) The attorney representing the state may not disclose anything transpiring before the grand jury except as permitted by this article or Article 20A.205(a) or (b).

(b) In performing the attorney's duties, the attorney representing the state may disclose or permit a disclosure of a record made under Article 20A.201 or a typewritten transcription of that record, or may make or permit a disclosure otherwise prohibited by Article 20A.203, to a grand juror serving on the grand jury before which the record was made, another grand jury, a law enforcement agency, or a prosecuting attorney, as the attorney representing the state determines is necessary to assist the attorney in the performance of the attorney's duties.

(c) The attorney representing the state shall warn any person authorized to receive information under Subsection (b) of the person's duty to maintain the secrecy of the information.

(d) A person who receives information under Subsection (b) and discloses that information for purposes other than those permitted by that subsection may be punished for contempt in the same manner as a person who violates Article 20A.203(a).

ART. 20A.205. PETITION FOR DISCLOSURE BY DEFENDANT

(a) The defendant may petition a court to order the disclosure of information made secret by Article 20A.202, 20A.203(a), or 20A.204, including a recording or typewritten transcription under Article 20A.201, as a matter preliminary to or in connection with a judicial proceeding. The court may order disclosure of the information if the defendant shows a particularized need.

(b) A petition for disclosure under Subsection (a) must be filed in the district court in which the case is pending. The defendant must also file a copy of the petition with the attorney representing the state, the parties to the judicial proceeding, and any other person the court requires. Each person who receives a copy of the petition under this subsection is entitled to appear before the court. The court shall provide interested parties with an opportunity to appear and present arguments for or against the requested disclosure.

(c) A person who receives information under this article and discloses that information may be punished for contempt in the same manner as a person who violates Article 20A.203(a).

Subchapter F. Witnesses

ART. 20A.251. IN-COUNTY WITNESS

(a) In term time or vacation, the foreperson or the attorney representing the state may issue a summons or attachment for any witness in the county in which the grand jury sits.

(b) A summons or attachment issued under Subsection (a) may require the witness to appear before the grand jury at a specified time, or immediately, without stating the matter under investigation.

ART. 20A.252. OUT-OF-COUNTY WITNESS

(a) The foreperson or the attorney representing the state may cause a subpoena or attachment for a witness to be issued to any county in the state by submitting a written application to the district court stating the name and residence of the witness and that the witness's testimony is believed to be material.

(b) A subpoena or attachment issued under this article:

(1) is returnable to the grand jury in session or to the next grand jury for the county in which the subpoena or attachment was issued, as determined by the applicant; and

(2) shall be served and returned in the manner prescribed by Chapter 24.

(c) A subpoena issued under this article may require the witness to appear and produce records and documents.

(d) A witness subpoenaed under this article shall be compensated as provided by this code.

(e) An attachment issued under this article must command the sheriff or any constable of the county in which the witness resides to serve the witness and to bring the witness before the grand jury at a time and place specified in the attachment.

(f) The attorney representing the state may cause an attachment to be issued under this article in term time or vacation.

ART. 20A.253. EXECUTION OF PROCESS

(a) A bailiff or other officer who receives process to be served from the grand jury shall immediately execute the process and return the process to:

(1) the foreperson, if the grand jury is in session; or

(2) the district clerk, if the grand jury is not in session.

(b) If the process is returned unexecuted, the return must state why the process was not executed.

ART. 20A.254. EVASION OF PROCESS

If the court determines that a witness for whom an attachment has been issued to appear before the grand jury is in any manner wilfully evading the service of the summons or attachment, the court may fine the witness, as for contempt, in an amount not to exceed \$500.

ART. 20A.255. WITNESS REFUSAL TO TESTIFY

(a) If a witness brought in any manner before a grand jury refuses to testify, the witness's refusal shall be communicated to the attorney representing the state or to the court.

(b) The court may compel a witness described by Subsection (a) to answer a proper question by imposing a fine not to exceed \$500 and by committing the witness to jail until the witness is willing to testify.

ART. 20A.256. WITNESS OATH

Before each witness is examined, the foreperson or a person under the foreperson's direction shall administer the following oath to the witness: "You solemnly swear that you will not reveal, by your words or conduct, and will keep secret any matter about which you may be examined or that you have observed during the proceedings of the grand jury, and that you will answer truthfully the questions asked of you by the grand jury, or under its direction, so help you God."

ART. 20A.257. EXAMINATION OF WITNESSES

(a) Only a grand juror or the attorney representing the state may examine a witness before the grand jury.

(b) The attorney representing the state shall advise the grand jury regarding the proper mode of examining a witness.

(c) If a felony has been committed in any county in the grand jury's jurisdiction, and the name of the offender is known or unknown or if it is uncertain when or how the felony was committed, the grand jury shall first state the subject matter under investigation to a witness called before the grand jury and may then ask questions relevant to the transaction in general terms and in a manner that enables a determination as to whether the witness has knowledge of the violation of any particular law by any person, and if so, by what person.

ART. 20A.258. EXAMINATION OF ACCUSED OR SUSPECTED PERSON

(a) Before the examination of an accused or suspected person who is subpoenaed to appear before the grand jury, the person shall be:

- (1) provided the warnings described by Subsection (b) orally and in writing; and
- (2) given a reasonable opportunity to:
 - (A) retain counsel or apply to the court for an appointed attorney; and
 - (B) consult with counsel before appearing before the grand jury.

(b) The warnings required under Subsection (a)(1) must consist of the following:

“Your testimony before this grand jury is under oath. Any material question that is answered falsely before this grand jury subjects you to being prosecuted for aggravated perjury. You have the right to refuse to make answers to any question, the answer to which would incriminate you in any manner. You have the right to have a lawyer present outside this chamber to advise you before making answers to questions you feel might incriminate you. Any testimony you give may be used against you at any subsequent proceeding. If you are unable to employ a lawyer, you have the right to have a lawyer appointed to advise you before making an answer to a question, the answer to which you feel might incriminate you.”

- (c) In examining an accused or suspected person, the grand jury shall:
- (1) first state:
 - (A) the offense of which the person is accused or suspected;
 - (B) the county in which the offense is alleged to have been committed; and
 - (C) as closely as possible, the time the offense was committed; and
 - (2) direct the examination to the offense under investigation.

ART. 20A.259. PEACE OFFICER TESTIMONY BY VIDEO TELECONFERENCING

(a) With the consent of the foreperson and the attorney representing the state, a peace officer summoned to testify before the grand jury may testify through the use of a closed circuit video conferencing system that provides a simultaneous, encrypted, compressed full motion video and interactive communication of image and sound between the officer, the grand jury, and the attorney representing the state.

(b) In addition to being administered the oath required under Article 20A.256, before being examined, a peace officer testifying through the use of a closed circuit video conferencing system under this article shall affirm that the officer's testimony:

- (1) cannot be heard by any person other than a person in the grand jury room; and
- (2) is not being recorded or otherwise preserved by any person at the location from which the officer is testifying.

(c) Testimony received from a peace officer under this article shall be recorded in the same manner as other testimony taken before the grand jury and shall be preserved.

Subchapter G. Indictment

ART. 20A.301. VOTING ON INDICTMENT

After all the testimony accessible to the grand jury has been given with respect to any criminal accusation, the grand jury shall vote on the presentment of an indictment. If at least nine grand jurors concur in finding the bill, the foreperson shall make a memorandum of the vote with any information enabling the attorney representing the state to prepare the indictment.

ART. 20A.302. PREPARATION OF INDICTMENT

(a) The attorney representing the state shall prepare, with as little delay as possible, each indictment found by the grand jury and shall deliver the indictment to the foreperson. The attorney shall endorse on the indictment the name of each witness on whose testimony the indictment was found.

(b) The foreperson shall officially sign each indictment prepared and delivered under Subsection (a).

ART. 20A.303. PRESENTATION OF INDICTMENT

When an indictment is ready to be presented, the grand jury shall, through the foreperson, deliver the indictment to the judge or court clerk. At least nine grand jurors must be present to deliver the indictment.

ART. 20A.304. PRESENTMENT OF INDICTMENT ENTERED IN RECORD

(a) If the defendant is in custody or under bond at the time the indictment is presented, the fact of the presentment shall be entered in the court's record, noting briefly the style of the criminal action, the file number of the indictment, and the defendant's name.

(b) If the defendant is not in custody or under bond at the time the indictment is presented, the indictment may not be made public and the entry in the court's record relating to the indictment must be delayed until the capias is served and the defendant is placed in custody or under bond.

CCP CHAPTER 20 DISPOSITION CHART TO CCP CHAPTER 20A

<u>Ch. 20 Reference</u>	<u>New number</u>	<u>Ch. 20 Reference</u>	<u>New number</u>	<u>Ch. 20 Reference</u>	<u>New number</u>
20.01	20A.101	20.05	20A.151	20.16	
20.011	20A.102	20.06	20A.152	(a)	20A.256
20.012	20A.201	20.07	20A.052	(b)	20A.203(b)
20.02		20.08	20A.053	20.17	
(a)	20A.202(a)	20.09	20A.051	(a)	20A.258(c)
(b)	20A.203(a)	20.10	20A.251	(b)	20A.258(a)
(c) S1	20A.204(b)	20.11		(c)	20A.258(b)
(c) S2	20A.204(c)	§1 S1 Cl 1-2	20A.252(a)	20.18	20A.257(c)
(c) S3	20A.204(d)	§1 S1 Cl 3	20A.252(b)(1)	20.19	20A.301
(d)	20A.205(a)	§1 S2	20A.252(c)	20.20	20A.302
(e)	20A.205(b)	§1 S3	20A.252(e)	20.21	20A.303
(f)	20A.205(c)	§2 S1	20A.252(b)(2)	20.22	20A.304
(g)	20A.204(a)	§2 S2	20A.252(d)		
(h)	20A.202(b)	20.12	20A.252(f)		
20.03		20.13	20A.253		
S1	20A.001(1)	20.14	20A.254		
S2	20A.103	20.15	20A.255		
20.04		20.151	20A.259		
S1	20A.257(b)				
S2	20A.257(a)				
S3	20A.104				

CCP CHAPTER 20A SOURCE CHART FROM CCP CHAPTER 20

<u>New Art.</u>	<u>Ch. 20 reference</u>	<u>New Art.</u>	<u>Ch. 20 reference</u>	<u>New Art.</u>	<u>Ch. 20 reference</u>
20A.001		20A.203		20A.253	20.13
(1)	20.03 S1	(a)	20.02(b)	20A.254	20.14
(2)	new	(b)	20.16(b)	20A.255	20.15
20A.051	20.09	20A.204		20A.256	20.16(a)
20A.052	20.07	(a)	20.02(g)	20A.257	
20A.053	20.08	(b)	20.02(c) S1	(a)	20.04 S2
20A.101	20.01	(c)	20.02(c) S2	(b)	20.04 S1
20A.102	20.011	(d)	20.02(c) S3	(c)	20.18
20A.103	20.03 S2	20A.205		20A.258	
20A.104	20.04 S3	(a)	20.02(d)	(a)	20.17(b)
20A.151	20.05	(b)	20.02(e)	(b)	20.17(c)
20A.152	20.06	(c)	20.02(f)	(c)	20.17(a)
20A.201	20.012	20A.251	20.10	20A.259	20.151
20A.202		20A.252		20A.301	20.19
(a)	20.02(a)	(a)	20.11 §1 S1 Cl 1	20A.302	20.20
(b)	20.02(h)	(b)(1)	20.11 §1 S1 Cl 2	20A.303	20.21
		(b)(2)	20.11 §2 S1	20A.304	20.22
		(c)	20.11 §1 S2		
		(d)	20.11 §2 S2		
		(e)	20.11 §1 S3		
		(f)	20.12		

Note: In these charts, "S" = sentence, and "Cl" = clause.