

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for \_\_\_\_\_.B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S.\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to grand jury proceedings and establishing a commission  
to study improvements and alternatives to those proceedings.

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

SECTION 1. Article 20.012, Code of Criminal Procedure, is  
amended by amending Subsection (a) and adding Subsection (d) to  
read as follows:

(a) Questions propounded by the grand jury or the attorney  
representing the state to a fact witness or a person accused or  
suspected and the testimony of that person to the grand jury shall  
be recorded either by a stenographer or by use of an electronic  
device capable of recording sound.

(d) For purposes of this article, "fact witness" means a  
person who is testifying regarding the person's personal knowledge  
of events relating to the case under investigation by the grand  
jury. The term does not include a law enforcement officer who:

(1) is acting in the lawful discharge of the officer's  
official duty;

(2) is assisting the attorney representing the state by  
presenting evidence to the grand jury; and

(3) has no personal knowledge of events relating to the  
case under investigation by the grand jury.

1       SECTION 2. Chapter 20, Code of Criminal Procedure, is  
2 amended by adding Article 20.013 to read as follows:

3       Art. 20.013. CERTAIN INVESTIGATIONS AND VOTES BY GRAND JURY  
4 PROHIBITED. (a) Except as provided by Subsection (b), a grand  
5 jury may not investigate a person who is accused or suspected of  
6 an offense and may not vote to present an indictment for the  
7 offense if the person has previously been investigated by a grand  
8 jury for the same offense, that grand jury voted on whether to  
9 present an indictment, and fewer than nine grand jurors concurred  
10 in finding the bill.

11       (b) A grand jury may investigate, and may present an  
12 indictment with respect to, a person described by Subsection (a)  
13 only if the attorney representing the state presents to the grand  
14 jury material evidence that was not known to the applicable  
15 attorney representing the state before or during the previous grand  
16 jury investigation.

17       SECTION 3. (a) In this section, "commission" means the  
18 Texas Commission on Grand Juries.

19       (b) The commission is established to develop recommendations  
20 for improvements to the grand jury system and explore alternative  
21 procedures for establishing probable cause to proceed to trial in  
22 a felony case.

23       (c) The commission is composed of 11 members, consisting of  
24 the following:

25           (1) five members appointed by the governor;

26           (2) three members appointed by the lieutenant governor;

1 and

2 (3) three members appointed by the speaker of the house  
3 of representatives.

4 (d) The members appointed by the governor must include:

5 (1) one member who is a district judge selected from a  
6 list of 10 names submitted by the Texas Center for the Judiciary;

7 (2) one member who is a prosecuting attorney selected  
8 from a list of 10 names submitted by the Texas District and County  
9 Attorneys Association;

10 (3) one member who is a criminal defense attorney  
11 selected from a list of 10 names submitted by the Texas Criminal  
12 Defense Lawyers Association;

13 (4) one member who is a county judge or county  
14 commissioner selected from a list of 10 names submitted by the  
15 Texas Association of Counties; and

16 (5) one member who has served as the foreperson of a  
17 grand jury in this state.

18 (e) The members appointed by the lieutenant governor and the  
19 speaker of the house of representatives must each consist of three  
20 members of the applicable legislative chamber.

21 (f) The governor shall designate the presiding officer of  
22 the commission.

23 (g) A member of the commission is not entitled to  
24 compensation or reimbursement of expenses.

25 (h) Not later than December 1, 2020, the commission shall  
26 prepare and deliver to the governor and the legislature a report

1 that recommends:

2 (1) improvements to the grand jury system, including  
3 the identification of any statutory changes necessary for that  
4 purpose; and

5 (2) alternative procedures for establishing probable  
6 cause to proceed to trial in a felony case.

7 (i) The commission is abolished January 12, 2021.

8 SECTION 4. The changes in law made by this Act apply only  
9 to a grand jury proceeding that begins on or after the effective  
10 date of this Act. A grand jury proceeding that begins before the  
11 effective date of this Act is governed by the law in effect on the  
12 date the proceeding began, and the former law is continued in  
13 effect for that purpose.

14 SECTION 5. This Act takes effect September 1, 2019.