**Grand Jury Impaneling Protocol**

1. **Judge’s Welcome**
2. **Introductions of DA’s, court staff, district clerk staff, etc.**
3. **Explanation of Impaneling Process**
   1. Will determine those persons who are ineligible, excused or otherwise unable to serve as a grand juror
   2. Will select 12 grand jurors and 4 alternates
4. **Explanation of Grand Jury duty**
   1. 3 month term; 2 or 3 days per week (morning or afternoon)
   2. May hear hundreds of cases
   3. Determine Probable Cause
   4. Very important role.
   5. Representing the community
5. **Grand Jury Schedule/Calendar**

One of three schedules. Copy of calendar will be provided by DA’s Office

1. Monday and Wednesday 1:00-5:00 and every other Friday 8:30-12:00
2. Tuesday and Thursday 1:00-5:00 and every other Friday 8:30-12:00
3. Tuesday and Thursday 8:30-12:00 and every other Wednesday 8:30-12:00
4. **Oath to give true answers administered by district clerk.**

“You, and each of you, solemnly swear that you will make true answers to such questions as may be propounded to you by the Court or under its direction touching on your service and qualification as a grand juror, so help you God.”

1. **Qualifications**[[1]](#footnote-1):(Cannot serve)
2. Are you a citizen of this state and county, and qualified to vote in this county, under the Constitution and laws of this state? *(Must say yes)*
3. Are you of sound mind and good moral character? *(Must say yes)*
4. Are you able to read and write? *(Must say yes)*
5. Have you ever been convicted of misdemeanor theft or any felony? *(Must say no)*
6. Are you under indictment or other legal accusation for misdemeanor theft or for any felony? *(Must say no)*
7. Are you related within the third degree of consanguinity[[2]](#footnote-2) or the second degree of affinity[[3]](#footnote-3) to anyone else who may serve on this Grand Jury? *(Must say no)*
8. Have you served on a Grand Jury within the past year? *(Must say no)*
9. Are you a complainant in any matter that may be heard by the grand jury this term? *(Must say no)*
10. **Excuses from Service**[[4]](#footnote-4)*(Juror can claim but not required to if they want to serve)*
11. a person older than 70 years;
12. a person responsible for the care of a child younger than 18 years;
13. a student of a public or private secondary school;
14. a person enrolled and in actual attendance at an institution of higher education; and
15. any other person that the court determines has a reasonable excuse from service.
16. **Release jurors who claim Excuses**
17. **Challenges to Array[[5]](#footnote-5)**
18. That those summoned as grand jurors are not in fact those selected by the method provided by Article 19.01 ; and
19. That the officer who summoned the grand jurors acted corruptly in summoning any one or more of them.
20. **Inquire to Sheriff about challenges from jail**
21. **Challenges to Juror[[6]](#footnote-6)**
22. That the juror is insane;
23. That the juror has such defect in the organs of feeling or hearing, or such bodily or mental defect or disease as to render the juror unfit for jury service, or that the juror is legally blind and the court in its discretion is not satisfied that the juror is fit for jury service in that particular case;
24. That the juror is a witness in or a target of an investigation of a grand jury;
25. That the juror served on a petit jury in a former trial of the same alleged conduct or offense that the grand jury is investigating;
26. That the 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;
27. That from hearsay, or otherwise, there is established in the mind of the juror such a conclusion as to the guilt or innocence of the person accused or suspected of committing an offense that the grand jury is investigating as would influence the juror’s vote on the presentment of an indictment;
28. That the 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;
29. That the juror has a bias or prejudice against any phase of the law upon which the state is entitled to rely for an indictment;
30. That the juror is not a qualified juror; and
31. That the juror is the prosecutor upon an accusation against the person making the challenge.
32. **Recusal of Juror[[7]](#footnote-7) (Required by statute)**

If, during the course of service on the grand jury, a grand juror determines that any of the above challenges for cause applies to them, the grand juror **must recuse** himself or herself from grand jury service until that cause no longer exists. A person who knowingly fails to recuse himself or herself when necessary may be held in contempt. (Typically, this means just leaving the room when a particular case is presented, discussed, and voted on.)

1. **Offer one last chance for people to speak up about any reason why they may not be qualified or able to serve as a grand juror.**
2. **Select 12 grand jurors and 4 alternates. Explain that alternates will only be called to serve if a grand juror is unable to continue in their service.**
3. **Have Clerk administer Grand Jury Oath[[8]](#footnote-8)**

“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 unpresented 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”

1. **Read the Court’s Charge to the Grand Jury.** (Can provide copies to the jurors)
2. **Permission To Separate For More Than Three Days**

Under the law the Grand Jury, when duly assembled, may not adjourn for a period of over three days without the permission of the Court. I hereby give you my permission.

1. **Go over Standing Order for Virtual Grand Jury**
2. **Appoint a Foreperson and an Alternate Foreperson**
3. **Duties of Foreperson[[9]](#footnote-9) and Alternate Foreperson (Optional**)

The foreman shall preside over the sessions of the grand jury, and conduct its business and proceedings in an orderly manner. He may appoint one or more members of the body to act as clerks for the grand jury.

1. **Admonishment concerning use of electronic devices (Optional)**

After the section of the Charge dealing with grand jury secrecy, some judges insert this part: “To this end, it is critical that you not communicate on or utilize cell phones, blackberries, iPhones, iPads and any other similar electronic devices during meetings of the Grand Jury except that you may use electronic devices if the Grand Jury is meeting virtually.”

1. **Patriotic Speech given by Judge if so inclined. (Optional)**
2. **Release Jurors to DA and staff for brief orientation in the Grand Jury room.**

1. Tex. Code Crim. Proc. Art. 19.08; Tex. Code Crim. Proc. Art. 19.23 [↑](#footnote-ref-1)
2. Parent, child, brother, sister, grandparent, great-grandparent, grandchild, great-grandchild, aunt, uncle, niece, nephew [↑](#footnote-ref-2)
3. Spouse’s parent, child, brother, sister, grandparent, grandchild or a spouse of your parent, child, brother, sister, grandparent or grandchild [↑](#footnote-ref-3)
4. Tex. Code Crim. Proc. Art. 19.25 [↑](#footnote-ref-4)
5. Tex. Code Crim. Proc. Art. 19.30 [↑](#footnote-ref-5)
6. Tex. Code Crim. Proc. Art. 19.31 [↑](#footnote-ref-6)
7. Tex. Code Crim. Proc. Art. 19.315 [↑](#footnote-ref-7)
8. Tex. Code Crim. Proc. Art. 19.34 [↑](#footnote-ref-8)
9. Tex. Code Crim. Proc. Art. 20.07 [↑](#footnote-ref-9)