

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 19. ORGANIZATION OF THE GRAND JURY

Text of article effective until January 01, 2021

Art. 19.01. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS. The district judge shall direct that the number of prospective grand jurors the judge considers necessary to ensure an adequate number of jurors under Article 19.26 be selected and summoned, with return on summons, in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts. The judge shall try the qualifications for and excuses from service as a grand juror and impanel the completed grand jury as provided by this chapter.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722. Amended by Acts 1971, 62nd Leg., p. 905, ch. 131, Sec. 1, eff. May 10, 1971.

Amended by Acts 1979, 66th Leg., p. 393, ch. 184, Sec. 1, eff. Sept. 1, 1979. Subsec. (b) amended by Acts 1983, 68th Leg., p. 2983, ch. 514, Sec. 1, eff. June 19, 1983; Subsec. (a) amended by Acts 1991, 72nd Leg., ch. 67, Sec. 1, eff. Sept. 1, 1991; Subsec. (b) amended by Acts 2001, 77th Leg., ch. 344, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 745 (S.B. 1298), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND JURORS SHALL SIT. If prior to the expiration of the term for which the grand jury was impaneled, it is made to appear by a declaration of the foreman or of a majority of the grand jurors in open court, that the investigation by the grand jury of the matters before it cannot be concluded before the expiration of the term, the judge of

the district court in which said grand jury was impaneled may, by the entry of an order on the minutes of said court, extend, from time to time, for the purpose of concluding the investigation of matters then before it, the period during which said grand jury shall sit, for not to exceed a total of ninety days after the expiration of the term for which it was impaneled, and all indictments pertaining thereto returned by the grand jury within said extended period shall be as valid as if returned before the expiration of the term.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 2, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.08. 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 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 of consanguinity or second degree of 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 grand juror in the year before

the date on which the term of court for which the person has been selected as 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.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722. Amended by Acts 1969, 61st Leg., p. 1364, ch. 412, Sec. 5, eff. Sept. 1, 1969.

Amended by Acts 1981, 67th Leg., p. 3143, ch. 827, Sec. 5, eff. Aug. 31, 1981; Acts 1989, 71st Leg., ch. 1065, Sec. 1, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 561, Sec. 8, eff. Aug. 26, 1991; Subsec. 6 amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(27), eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1177, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 801 (S.B. [451](#)), Sec. 2, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. [2150](#)), Sec. 3, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 745 (S.B. [1298](#)), Sec. 2, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

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Art. 19.16. ABSENT JUROR FINED. A juror legally summoned, failing to attend without a reasonable excuse, may, by order of the court entered on the record, be fined not less than \$100 nor more than \$500.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 640 (H.B. [1665](#)), Sec. 2, eff. September 1, 2009.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

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Art. 19.18. IF LESS THAN SIXTEEN ATTEND. When less than sixteen of those summoned to serve as grand jurors are found to be in attendance and qualified to so serve, the court shall order the sheriff to summon such additional number of persons as may be deemed necessary to constitute a grand jury of twelve persons and four alternates.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1999, 76th Leg., ch. 1065, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 4, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.19. JURORS TO ATTEND FORTHWITH. The jurors provided for in Article 19.18 shall be summoned in person to attend before the court forthwith.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 5, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.20. TO SUMMON QUALIFIED PERSONS. On directing the sheriff to summon grand jurors, the court shall instruct the sheriff that the sheriff must not summon any person to serve as a grand juror who does not possess the qualifications prescribed by law.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 6, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.21. TO TEST QUALIFICATIONS. When as many as fourteen persons summoned to serve as grand jurors are in attendance upon the court, it shall proceed to test their qualifications as such.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1999, 76th Leg., ch. 1065, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.22. INTERROGATED. Each person who is presented to serve as a grand juror shall, before being impaneled, be interrogated on oath by the court or under his direction, touching his qualifications.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.23. MODE OF TEST. In trying the qualifications of any person to serve as a grand juror, that person shall be asked:

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?

4. Are you under indictment or other legal accusation for misdemeanor theft or for any felony?

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722. Amended by Acts 1969,

61st Leg., p. 1364, ch. 412, Sec. 6, eff. Sept. 1, 1969.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. [2150](#)), Sec. 7, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

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Art. 19.24. QUALIFIED JUROR ACCEPTED. When, by the answer of the person, it appears to the court that he is a qualified juror, he shall be accepted as such, unless it be shown that he is not of sound mind or of good moral character, or unless it be shown that he is in fact not qualified to serve as a grand juror.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

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Art. 19.25. EXCUSES FROM SERVICE. Any person summoned who does not possess the requisite qualifications shall be excused by the court from serving. The following qualified persons may be excused from grand jury service:

- (1) a person older than 70 years;
- (2) a person responsible for the care of a child younger than 18 years;
- (3) a student of a public or private secondary school;
- (4) a person enrolled and in actual attendance at an institution of higher education; and
- (5) any other person that the court determines has a reasonable excuse from service.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1979, 66th Leg., p. 393, ch. 184, Sec. 2, eff. Sept. 1, 1979; Acts 1999, 76th Leg., ch. 1177, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01,

eff. January 1, 2021.

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Art. 19.26. JURY IMPANELED. (a) When at least sixteen qualified jurors are found to be present, the court shall select twelve fair and impartial persons to serve as grand jurors and four additional persons to serve as alternate grand jurors. The grand jurors and the alternate grand jurors shall be randomly selected from a fair cross section of the population of the area served by the court.

(b) The court shall proceed to impanel the grand jury, unless a challenge is made, which may be to the array or to any particular person presented to serve as a grand juror or an alternate. In addition, the court shall impanel four alternates to serve on disqualification or unavailability of a juror during the term of the grand jury. 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 identifying the disqualified or unavailable juror, stating the basis for the disqualification or unavailability, dismissing the disqualified or unavailable juror from the grand jury, and naming one of the alternates as a member of the grand jury. The procedure established by this subsection may be used on disqualification or unavailability of a second or subsequent grand juror during the term of the grand jury. For purposes of this subsection, a juror is unavailable if the juror is unable to participate fully in the duties of the grand jury because of the death of the juror, a physical or mental illness of the juror, or any other reason the court determines constitutes good cause for dismissing the juror.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1999, 76th Leg., ch. 1065, Sec. 3, eff. Sept. 1, 1999; Subsec. (b) amended by Acts 2003, 78th Leg., ch. 889, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. [2150](#)), Sec. 8, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.27. ANY PERSON MAY CHALLENGE. Before the grand jury has been impaneled, any person may challenge the array of jurors or any person presented as a grand juror. In no other way shall objections to the qualifications and legality of the grand jury be heard. Any person confined in jail in the county shall upon his request be brought into court to make such challenge.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.28. "ARRAY". By the "array" of grand jurors is meant the whole body of persons summoned to serve as such before they have been impaneled.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.29. "IMPANELED" AND "PANEL". A grand juror is said to be "impaneled" after his qualifications have been tried and he has been sworn. By "panel" is meant the whole body of grand jurors.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.30. CHALLENGE TO "ARRAY". A challenge to the

"array" shall be made in writing for these causes only:

1. That those summoned as grand jurors are not in fact those selected by the method provided by Article 19.01; and

2. That the officer who summoned the grand jurors acted corruptly in summoning any one or more of them.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1979, 66th Leg., p. 394, ch. 184, Sec. 3, eff. Sept. 1, 1979.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 9, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.31. CHALLENGE TO JUROR. (a) A challenge to a particular grand juror may be made orally for any of the following causes:

1. That the juror is insane;

2. 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;

3. That the juror is a witness in or a target of an investigation of a grand jury;

4. 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;

5. 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;

6. 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;

7. 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;

8. 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;

9. That the juror is not a qualified juror; and

10. That the juror is the prosecutor upon an accusation against the person making the challenge.

(b) A challenge under Subsection (a)(3) may be made ex parte and shall be reviewed and ruled on 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).

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 10, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.315. RECUSAL OF JUROR. (a) If, during the course of a juror's service on the grand jury, the juror determines that the juror could be subject to a valid challenge for cause under Article 19.31, the juror shall recuse himself or herself from grand jury service until the cause no longer exists. A person who knowingly fails to recuse himself or herself under this subsection may be held in contempt of court. A person authorized to be present in the grand jury room shall report a known violation of this subsection to the court.

(b) The court shall instruct the grand jury as to the duty imposed by Subsection (a).

Added by Acts 2015, 84th Leg., R.S., Ch. 929 (H.B. 2150), Sec. 11, eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

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Art. 19.32. SUMMARILY DECIDED. When a challenge to the array or to any individual has been made, the court shall hear proof and decide in a summary manner whether the challenge be well-founded or not.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

Text of article effective until January 01, 2021

Art. 19.33. OTHER JURORS SUMMONED. The court shall order another grand jury to be summoned if the challenge to the array be sustained, or order the panel to be completed if by challenge to any particular grand juror their number be reduced below twelve.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 3.01, eff. January 1, 2021.

Text of article effective until January 01, 2021

Art. 19.34. OATH OF GRAND JURORS. When the grand jury is completed, the court shall appoint one of the number foreman; and the following oath shall be administered by the court, or under its direction, to the jurors: "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".

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

Text of article effective until January 01, 2021

Art. 19.35. TO INSTRUCT JURY. The court shall instruct the grand jury as to their duty.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

Text of article effective until January 01, 2021

Art. 19.36. BAILIFFS APPOINTED. The court and the district attorney may each appoint one or more bailiffs to attend upon the grand jury, and at the time of appointment, the following oath shall be administered to each of them by the court, or under its direction: "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". Such bailiffs shall be compensated in a sum to be set by the commissioners court of said county.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

Text of article effective until January 01, 2021

Art. 19.37. BAILIFF'S DUTIES. A bailiff is to obey the instructions of the foreman, to summon all witnesses, and generally, to perform all such duties as the foreman may require of

him. One bailiff shall be always with the grand jury, if two or more are appointed.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

Text of article effective until January 01, 2021

Art. 19.38. BAILIFF VIOLATING DUTY. No bailiff shall take part in the discussions or deliberations of the grand jury nor be present when they are discussing or voting upon a question. The grand jury shall report to the court any violation of duty by a bailiff and the court may punish him for such violation as for contempt.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

Text of article effective until January 01, 2021

Art. 19.39. ANOTHER FOREMAN APPOINTED. If the foreman of the grand jury is from any cause absent or unable or disqualified to act, the court shall appoint in his place some other member of the body.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

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Art. 19.40. QUORUM. Nine members shall be a quorum for the purpose of discharging any duty or exercising any right properly belonging to the grand jury.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01,

eff. January 1, 2021.

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Art. 19.41. REASSEMBLED. A grand jury discharged by the court for the term may be reassembled by the court at any time during the term.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1999, 76th Leg., ch. 1065, Sec. 4, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.

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Art. 19.42. PERSONAL INFORMATION ABOUT GRAND JURORS. (a) Except as provided by Subsection (b), 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, including the person's home address, home telephone number, social security number, driver's license number, and other personal information, is confidential and may not be disclosed by the court, court personnel, or prosecuting attorney.

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

Added by Acts 1999, 76th Leg., ch. 1177, Sec. 3, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 3.01, eff. January 1, 2021.