

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [2637](#) and S.B. [2878](#), 89th Legislature, Regular Session, for amendments affecting the following section.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

Art. 19A.052. QUALIFIED PERSONS SUMMONED. On directing the sheriff or clerk of the district court to summon grand jurors, the court shall instruct the sheriff or clerk of the district court to

not summon a person to serve as a grand juror who does not possess the qualifications prescribed by law.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 7.001, eff. September 1, 2023.

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 or clerk of the district court 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 or clerk of the district court shall summon the additional prospective grand jurors under Subsection (a) in person to attend before the court immediately.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 7.002, eff. September 1, 2023.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [2637](#), H.B. [4749](#) and S.B. [2878](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Art. 19A.101. GRAND JUROR QUALIFICATIONS. (a) 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 never 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.

(b) On the third business day of each month, the clerk of the district court shall prepare a list of persons who in the preceding month were disqualified from serving as a grand juror based on the person's citizenship or indictment or conviction for misdemeanor theft or a felony and send a copy of the list to:

- (1) the secretary of state; and
- (2) the prosecuting attorney for the court to which the grand jurors were summoned for investigation into whether any person made a false claim concerning the person's qualification under Subsection (a)(2), (7), or (8).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.03, eff. January 1, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 7.003, eff. September 1, 2023.

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?".

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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. Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [2637](#) and S.B. [2878](#), 89th Legislature, Regular Session, for amendments affecting the following section.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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\(a\)](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

SUBCHAPTER E. IMPANELING OF GRAND JURY

The following article was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [4749](#), 89th Legislature, Regular Session, for amendments affecting the following section.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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."

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

Art. 19A.204. COURT INSTRUCTIONS. The court shall instruct the grand jury regarding the grand jurors' duty.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

Art. 19A.256. REFERRAL TO GRAND JURY IN SEXUAL ASSAULT CASES. (a) If a district judge becomes aware that sexual assault within the jurisdiction of the court has probably been committed, the judge shall direct the grand jury to investigate the accusation:

(1) immediately, if the court is in session; or

(2) at the next term of a district court in any county of the district, if the court is not in session.

(b) If the court is in session but the grand jury has been discharged, the district judge shall immediately recall the grand jury to investigate the accusation.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.002, eff. January 1, 2025.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.

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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.03, eff. January 1, 2021.