

# Chapter 22 - Courts

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ARTICLE I. - IN GENERAL.....	2
ARTICLE II. - JURY PLAN.....	2
ARTICLE III. - JUDICIAL ADMINISTRATION.....	6
DIVISION 1. - GENERALLY .....	6
DIVISION 2. - DEFENDANTS.....	6

## ARTICLE I. - IN GENERAL

Secs. 22-1—22-30. - Reserved.

## ARTICLE II. - JURY PLAN<sup>2</sup>

Sec. 22-31. - Authority of article provisions.

- (a) *Statutes.* This plan is established in accordance with the provisions contained in V.T.C.A., [Government Code § 62.011](#), providing for an electronic or mechanical method of selection of names of persons for jury service, as well as all other statutes that govern the selection of names of persons for jury service.
- (b) *Court rules.* The most recent court rules, civil and criminal, adopted by the county district judges, shall also govern the jury system, where applicable.
- (c) *Applicability.* This jury plan shall be used to select the names of persons for jury service in the county in all courts of general and limited jurisdiction which conduct jury trials.
- (d) *Officer in charge.* The county district clerk is designated as the officer in charge of the selection process and shall have the duties as set out in this plan. The district clerk shall oversee the selection process to ensure its randomness and integrity, and shall either personally or through his deputy supervise the selection of names of prospective jurors to the greatest extent possible. The district clerk shall also recommend any amendments to the plan which may be required to conform the plan to changes in technology, the law or county procedures.

(Ord. No. 99-1263, § 1, 7-6-1999)

Sec. 22-32. - Selection process.

- (a) *Source list.*
  - (1) The source of names of persons for jury service shall be as provided in V.T.C.A., [Government Code § 62.001](#). In accordance with V.T.C.A., [Government Code § 62.001](#), the source of names shall be the current voter registration lists from all precincts in the county as contained in the voter registration electronic file of all precincts in the county, excluding the names of persons who are disqualified or who are exempt from jury service as provided by V.T.C.A., [Government Code §§ 62.108](#) and [62.109](#). The source of names shall also include all names on a current list to be furnished by the state department of public safety, showing the citizens of the county holding a valid state driver's license and the citizens of the county, other than those who are disqualified from jury service, who hold a valid personal identification card or certificate issued by the state department of public safety.
  - (2) The county district clerk shall notify the secretary of state not later than 90 days before a combined list of names is needed to reconstitute the list of names of persons for jury service in the county when such a list will be required and the format required. The county district clerk shall also notify the voter registrar (elections administrator) of the county of when to send the required information

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<sup>1</sup> **State Law reference**— Criminal law masters in Dallas County, V.T.C.A., [Government Code § 54.301](#) et seq.; petit juries, V.T.C.A., [Government Code § 62.001](#) et seq.; court personnel, V.T.C.A., [Government Code § 52.001](#) et seq.

<sup>2</sup> **State Law reference**— Jury plan, V.T.C.A., [Government Code § 62.001](#) et seq.

to the secretary of state and shall provide to the elections administrator a certified list containing the names of persons convicted of felonies in the county.

- (3) Upon notification by the county of the county district clerk, the voter registrar (elections administrator) shall certify and provide to the secretary of state a current voter registration list from all precincts in the county containing the information required by V.T.C.A., Government Code § 62.001(c). The names of convicted felons and persons exempt from jury service under V.T.C.A., Government Code §§ 62.108 and 62.109, shall be excluded from the list unless the secretary of state requests that the names of convicted felons and persons exempt from jury service be included on the list and be marked in a manner which will indicate which persons are exempt or are convicted felons. If the elections administrator excludes names from the voter registration list, a list or lists of the excluded names shall also be sent to the secretary of state.
- (4) The voter registrar (elections administrator) shall include on the lists, if possible, any information requested by the secretary of state, which would aid in the elimination of duplicate names from the combined list or which would aid in the elimination of the names of persons exempt or disqualified from jury service from the list provided by the department of public safety.
- (5) The voter registrar shall cooperate, where feasible, with the secretary of state in providing requested information and the required lists of data to the secretary of state in a manner in the format requested by the secretary of state.
- (6) After the lists have been combined as provided in V.T.C.A., Government Code § 62.001, the county district clerk shall receive the certified combined list from the secretary of state.
- (7) The combined list shall be on a reel of data processing magnetic tape or cartridges. If the secretary of state returns the combined list on a reel of magnetic tape, the county district clerk shall direct that the data on the tape be transferred to a cartridge capable of being processed by an electronic data processing machine equal to or superior to such machine known as the Hitachi Data Systems XL50. The original tape shall then be securely stored by the county district clerk and kept free of magnetic impulses. If the secretary of state returns the combined list on a data processing cartridge, the county district clerk shall direct that a copy of the cartridge be generated and shall keep the original cartridge securely stored and free of magnetic impulses.
- (8) The county district clerk shall direct that one copy of the cartridge is processed in an electronic data processing machine so as to eliminate all data other than the name, address, voter registration number, driver's license number, or personal identification card number of each person on the cartridge, and the sequence numbers assigned by the data services department. There shall then be printed, in alphabetical order, a copy of the resulting list. This list shall be known as the prospective juror list. A cartridge containing the same information as the list shall also be generated. This cartridge, which shall be known as the prospective juror list cartridge, shall be the source from which all jurors will be selected and supplied. One copy of the prospective juror list, along with one copy of the prospective juror cartridge, shall be stored in a vault in the county district clerk's suite of offices. The cartridge shall be secure from magnetic impulses at all times. One copy of the prospective juror cartridge shall remain securely stored at the offices of the data services department of the county and shall be kept free from magnetic impulses.
- (9) At the direction of the local administrative district judge when it is necessary to select persons for jury service, the county district clerk or his deputy shall cause the prospective juror cartridge to be transported to a computer machine of the type and capacity specified above. The local administrative district judge or his deputy and the county district clerk or his deputy shall direct that the names of the prospective jurors be selected by the computer for the purpose of preparing jury summonses. Names of prospective jurors for service at the Crowley Courts Building, the Allen Courts Building or on special venirens may be selected by separate computer runs. A new cartridge is then created, less the names of prospective jurors selected, and a copy of the new cartridge is returned to the county district clerk and a copy to the data services department, each to be securely kept and free from magnetic impulses. A true and complete written list of the names and addresses of persons summoned to begin jury service shall be filed on record with the county

clerk at least ten days prior to the date such persons are to begin jury service. Additional lists may be produced to facilitate the handling of necessary paperwork in processing the jury list.

- (10) The tape containing the names and addresses of prospective jurors selected by the computer for the purpose of preparing jury summonses may then be delivered to a private vendor with which the county has entered into a contract with for the preparation and mailing of jury summonses. The vendor shall then prepare and mail the jury summonses in accordance with the contract. The vendor shall also print a list containing the names and addresses of those summoned to begin jury service on a particular date. All copies of the tape and the list shall be returned to the data services department of the county after the summonses have been prepared. A copy of the list shall also be returned to the jury room bailiff (also referred to as the manager of jury services) for the county.
  - (11) Information contained on the tape of prospective jurors and the juror lists is to remain confidential. Any vendor contracting with the county to prepare and mail jury summonses shall enter into an agreement with the county to keep juror information confidential and shall not sell or otherwise disclose any information on the juror tapes or lists without prior approval of the county. In addition, any vendor so contracting with the county shall not add or delete any names to or from the juror tapes and lists, and shall not tamper with the order of the names on the tapes.
  - (12) The electronic data processing system should enable the prospective juror cartridge to be updated at each jury pull for name and address changes by comparing it to the updated voter registration electronic file. However, no names are to be added to, deleted from, or returned to the prospective juror cartridge until the list is reconstituted except as provided by statute, unless a written opinion authorizing such additions or deletions is issued by the state attorney general's office or a final decision from a controlling court holds that such additions or deletions are permissible. The data services department shall maintain a record of all changes made to the prospective juror cartridge.
- (b) *Random selection.* A computer program based on random number tables or on random numbers generated by mathematical equations shall be utilized to select, in a fair, impartial and objective manner, persons to be summoned from the source list for jury service. Activation of the computer program shall cause the computer to produce lists showing the names and addresses of persons selected for designated dates. Instructions for the program shall be kept secure by the district clerk and shall be available for public inspection upon request.
  - (c) *Duration.* The list of prospective jurors shall be reconstituted every 2.5 years or when the list is exhausted, whichever occurs first. The jury room bailiff (also referred to as the jury services manager) shall keep the county district clerk apprised of the number of prospective jurors used, and the number of names remaining on the list. The county district clerk in his discretion may order the reconstitution of the jury list prior to, or after, the 2.5 year period in order to accommodate the use of updated lists due to the purging of names of disqualified or exempt persons from the voter registration list or the department of public safety list, and the addition of new names to the lists. In no event may the duration of the list be less than two years unless the list is exhausted.

(Ord. No. 99-1263, § 2, 7-6-1999)

Sec. 22-33. - Jury service.

(a) *Juror summons.*

- (1) The jury summons will notify prospective jurors to report to the central jury room of the Frank Crowley Courts Building or the George L. Allen, Sr. Courts Building at a specified time, either in the morning or in the afternoon, on a specified date. Jurors may also be summoned to report to any of the justice of the peace courts located within the county. Those jurors summoned to appear in the afternoon (standby jurors) who are not required to appear shall be considered as having completed their jury service, and their names shall not be placed back on the list of prospective jurors until it is next reconstituted.

- (2) Prospective jurors summoned to appear at the Frank Crowley Courts Building may be drawn upon for use at the George L. Allen, Sr. Courts Building, and prospective jurors summoned to appear at the George L. Allen, Sr. Courts Building may be drawn upon for use at the Frank Crowley Courts Building when, in the discretion of the jury room bailiff, such is necessary.
- (3) Jurors shall be summoned for service in courts located at the Henry Wade Juvenile Justice Center or any other courts buildings or courthouses designated by the county, in accordance with this plan, the applicable laws, and in the same manner as jurors summoned for service at the Crowley Courts Building and the Allen Courts Building. Any juror summoned to appear for service at a particular the county courts building or courthouse may be used interchangeably in any of the county courts buildings or courthouses when, in the discretion of the jury room bailiff, such is necessary.
- (b) *Disqualifications and exemptions.* Disqualifications and exemptions shall be as provided by law. The names of persons listed in a register of persons exempt from jury service may not be used in preparing the record of names from which a jury is selected, as provided in V.T.C.A., Government Code §§ 62.108 and 62.109.
- (c) *Jury orientation.* The designated presiding judge of the central jury room may conduct the central jury room orientation. In lieu of having juror orientation conducted by a judge, the district and criminal district judges, by majority vote, may authorize the central jury room juror orientation to be conducted by video presentation or other similar means.
- (d) *Excuses and postponements.* The jury room bailiff and the jury room staff under the supervision of the jury room bailiff are designated as the court's designee pursuant to V.T.C.A., Government Code § 62.110. Reasonable grounds for postponement or excuse from jury service are left to the discretion of the court or court's designee and shall be as provided by law. The court's designee shall follow the guidelines adopted by the district and criminal district court judges for the consideration of juror excuses. If the court or court's designee deems the excuse sufficient, the prospective juror may be discharged or have his or her jury service postponed to a specified date. A record of postponements shall be maintained by the jury room staffs. To ensure the randomness of the selection process, the jury room bailiff shall limit the number of prospective jurors reassigned to appear for jury service on any particular date so that the number of prospective jurors serving on a particular date due to a postponement of jury service does not exceed a predetermined limit set by the jury room bailiff and approved by the county district clerk.
- (e) *Challenged jurors.* Any prospective juror removed from a jury panel for cause, by peremptory challenge, or for any other reason must be dismissed from jury service, and the person may not be placed on another jury panel until his name is again drawn for jury service.
- (f) *Impaneling the jury.* Procedures for requesting jury panels and the impaneling of jurors shall be as provided by law and in accordance with the policies and procedures of the jury services department, as approved by the presiding district judges of the central jury rooms and the local administrative district judge.
- (g) *Defaulting jurors.* Penalties for failure to comply with a jury summons or filing a false claim of exemption from jury service shall be as provided by law.

(Ord. No. 99-1263, § 3, 7-6-1999)

Sec. 22-34. - Amendments.

- (a) This plan may be amended at any time by the commissioners court upon the recommendation of a majority of the district and criminal district court judges of the county. Should any change in the law render any portion of this plan invalid, unlawful or otherwise in conflict with the new law, this plan shall automatically be amended to conform the affected provision of this plan to the law as amended without further action of the district judges or the commissioners court.

- (b) Not later than every three years from the date this plan is adopted by order of the commissioners court, the local administrative district judge shall call a meeting for the purpose of reviewing this plan. The local administrative district judge shall appoint a committee consisting of persons involved in the jury selection process to attend such meeting and evaluate the jury plan.

(Ord. No. 99-1263, § 4, 7-6-1999)

Secs. 22-35—22-70. - Reserved.

## **ARTICLE III. - JUDICIAL ADMINISTRATION**

### **DIVISION 1. - GENERALLY**

Secs. 22-71—22-90. - Reserved.

### **DIVISION 2. - DEFENDANTS**

Subdivision I. - In General

Secs. 22-91—22-110. - Reserved.

Subdivision II. - Pretrial Release Guidelines

Sec. 22-111. - Exclusions.

All offenses are available with the following exclusions:

- (1) Aggravated kidnapping;
- (2) Aggravated manufacture, delivery or possession with the intent to manufacture or deliver a controlled substance;
- (3) Aggravated promotion of prostitution;
- (4) Aggravated rape;
- (5) Aggravated robbery;
- (6) Aggravated sexual abuse;
- (7) Capital murder;
- (8) Criminal solicitation;
- (9) Deadly assault of police or court participants;
- (10) Enticing a child;
- (11) Incest;
- (12) Indecency with a child;
- (13) Injury to a child or elderly person;
- (14) Murder;
- (15) Parole violation;
- (16) Rape of a child;
- (17) Rape;

- (18) Sale, distribution or display of harmful materials to a minor;
- (19) Sale or purchase of a child;
- (20) Sexual abuse;
- (21) Sexual abuse of a child;
- (22) Sexual performance by a child;
- (23) Solicitation of a child;
- (24) Any charge involving a firearm;
- (25) Any charge involving assault with bodily injury;
- (26) Stalking;
- (27) Family violence (including associated assaults);
- (28) Violation of protective orders;
- (29) Harassment;
- (30) Telephone harassment.

(Ord. No. 97-387, 2-25-1997)

Sec. 22-112. - Release considerations.

- (a) Pretrial release shall consider for release any defendant booked into jail with the exception of those individuals charged with an excluded offense listed in this subdivision. Any current charge or previous convictions resulting from an attempt to commit an offense listed on the exclusion list within this subdivision shall be regarded as an excluded offense.
- (b) For purposes of this subdivision, a felony conviction, in the context of this subdivision, is defined as any probation, jury or judicial sentence, deferred adjudication, plea or nolo plea given to or as a result of a sentence imposed in a felony offense.

(Ord. No. 97-387, 2-25-1997)

Sec. 22-113. - Eligibility criteria.

Eligibility for pretrial release shall then be determined by the following criteria:

- (1) A defendant must currently be a resident of the county or an adjoining county; however, no requirement shall be established for length of residency in the immediate area if a pattern of stability can be documented in a previous community or through local employment/ties.
- (2) A defendant must be able to provide pretrial release with names, addresses and telephone numbers of two references who can confirm information relating to the defendant's current status (residence, employment, etc.) and who will be able to assist in locating the defendant if he fails to appear for court. Such references need not be local if contact can be established with them by telephone; however, charges for long distance telephone calls out of this area code must be paid for by the person receiving the calls.
- (3) The two-reference requirement is waived for pretrial release bonds for MHMR clients, upon the recommendation of MHMR, which will allow these detainees without sufficient references to receive a pretrial bond.

- (4) A defendant must have no previous felony conviction of violent or assaultive offenses within the past ten years. Violent or assaultive offenses are defined as any offense which causes serious bodily injury or death or made a threat, communicating the same.
- (5) A defendant is ineligible if within the last year (12 months) he has been convicted of a class A or B misdemeanor involving physical assault or assault with a weapon or if he is currently awaiting trial or on probation for such offense.
- (6) A defendant must have no felony convictions within the past year. A defendant must have no more than two felony convictions within the past ten years.
- (7) At least six years must have elapsed since the defendant's most recent release from the state department of criminal justice institution division for excluded offenses listed within this subdivision.
- (8) At least three years must have elapsed since the defendant's most recent release from the state department of criminal justice institution division for nonexcluded offenses.
- (9) A defendant currently on probation or deferred adjudication is ineligible for release.
- (10) A defendant must not have had any probation/parole revocation action within the past year.
- (11) A defendant must not have any record of escapes.
- (12) A defendant must not have any previous felony bond forfeiture. A defendant must not have had a previous misdemeanor bond forfeiture within the past three years or two misdemeanor bond forfeitures within ten years.
- (13) A defendant may not have a pending charge for a felony offense or more than three pending charges for misdemeanor offenses, excluding class C misdemeanors.
- (14) A defendant must exhibit a demeanor which implies a willingness to cooperate with the conditions of pretrial release.
- (15) A defendant is ineligible if he is charged with DWI or DUI and has a previous DWI or DUI conviction within the last two years from the date of the alleged offense or a lifetime total of three or more DWI or DUI convictions.
- (16) A defendant is ineligible if he is charged with possession of a controlled substance, if the substance in weight is 200 or more grams, including adulterants and dilutants.

(Ord. No. 97-387, 2-25-1997)

Sec. 22-114. - Retrieval of criminal history; review of bond amounts.

- (a) In order to protect the community, the county pretrial release unit will retrieve a criminal history through the use of NCIC and TCIC on every defendant being considered for pretrial release.
- (b) Any case in which the bond amount is in excess of \$10,000.00 must be reviewed by the manager or supervisor. Any case in which the bond amount is in excess of \$50,000.00 must be submitted to the district attorney's office or an official from the filing agency for review and input.

(Ord. No. 97-387, 2-25-1997)