

No End to Texas Grand Jury Reform  
by Benny Agosto, Jr.

Grand jury reform is shaking up the legislature once again this week. The grand jury legislation, inserted into House Bill 2105, passed the House, but contains an amendment that would still exempt counties with a population of less than 500,000 from having to use random selection systems if officials did not want to. In order to keep Texas as the only remaining state with the key man system of grand jury selection, State Representative Tony Dale proposed stripping the entire reform language from the initial bill, but failed by a narrow vote of 64 to 61.

The role of the grand jury in legal proceedings has been under much scrutiny from the media in the past few months. In the United States the grand jury is given a very important task - deciding whether or not to indict those persons who are arrested for a felony or suspected of committing a crime. We have supported efforts by State Senator John Whitmire and State Representative Harold V. Dutton, Jr. who are aiming to end grand jury injustices in Texas.

Unfortunately, House Bill 2105's exemptions do not allow for the full reform needed by Texas to remedy the problem of minority representation in grand juries. The Houston Bar Association has voiced their concerns on this subject, as well as State Representatives Sylvester Turner and Roland Gutierrez, who feel that the random-selection system should be implemented like many other Texas counties. We strongly encourage legislators to follow this lead and implement a more random, all-encompassing system that would reestablish trust between the minority community and the grand jury establishment. Senator Whitmire has said he intends to remove that exemption from the House Bill once it reaches the Senate. The Senate had earlier approved his own bill for reform in courts statewide with unanimous bipartisan support, but it has not been brought up before the full House for a vote. We strongly prefer the more representative grand jury approach utilized in Senator Whitmire's bill.

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