

# JURY NULLIFICATION BILL SUMMARY

HB 2915 by Mike Schofield

## Key Provisions

- 1) Allows defendants to inform jurors of their right and power to judge the law as well as the facts and to acquit based on conscience.
- 2) Requires judges to allow nullification defenses.
- 3) Removes strikes for cause when a jury prospect “has a bias or prejudice against any phase of the law upon which the State is entitled to rely for conviction or punishment.”

## Applies to Criminal Trials Only

### Implements the Following Element of the Texas Bill of Rights:

Article 1, Section 8, last sentence:

"And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, *as in other cases.*" (emphasis added).

## Rationale

- Fully informed jurors can better dispense justice and protect liberty, thereby preventing people from being imprisoned wrongly and reducing prison overcrowding.
- Jury nullification is an important way to inform governmental representatives about the changing conscience and values of the community, free from special interest pressure.
- Fully informed jurors are democratic in that they give more control of the actions of the government to the people, and they are republican because they protect the rights and liberties of the people.
- Jury nullification is a process of law that keeps the law from mechanistically grinding up the lives of individuals by injecting the wisdom and common sense of the people into the process.