

Amendment No. 14

Senate Amendment to Senate Bill No. 27

(BDR 14-851)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“**Section 1.** NRS 175.061 is hereby amended to read as follows:

175.061 1. The court may direct that not more than ~~four~~ *six* jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. *The court may designate the jurors who are to sit as alternate jurors either:*

(a) During jury selection, based on the order in which they are called; or

(b) Before the jury retires to deliberate, through a process of random selection in open court. 2.

If the court designates the jurors who are to sit as alternate jurors in the manner described in paragraph (b) of subsection 1, the court shall not, at any time during jury selection or the trial of the case, make any distinction as to which jurors will ultimately be designated alternate jurors.

KEL

Date: 2/24/2005

S.B. No. 27—Revises provisions governing selection of alternate jurors in criminal and civil trials.

3. Alternate jurors , in the order in which they ~~[are]~~ **were** called **or randomly selected**, shall replace jurors who become unable or disqualified to perform their duties.

~~[2.]~~ 4. Alternate jurors shall:

- (a) Be drawn in the same manner;
- (b) Have the same qualifications;
- (c) Be subject to the same examination and challenges;
- (d) Take the same oath; and
- (e) Have the same functions, powers, facilities and privileges, as the regular jurors.

~~[3.]~~ 5. If an alternate juror is required to replace a regular juror after the jury has retired to consider its verdict, the judge shall recall the jury, seat the alternate and resubmit the case to the jury.

~~[4.]~~ 6. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled, ~~[and]~~ two peremptory challenges if three or four alternate jurors are to be impaneled ~~[. The]~~, **and three peremptory challenges if five or six alternate jurors are to be impaneled. If the court designates jurors as alternate jurors pursuant to paragraph (a) of subsection 1, the** additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by statute may not be used against an alternate juror.”.

Amend sec. 2, page 2, by deleting lines 42 and 43 and inserting:

“number of regular jurors and alternate jurors to be selected and the number of”.

Amend sec. 2, page 3, by deleting lines 14 through 18 and inserting:

“jurors or alternate jurors. **The court may designate the jurors who are to sit as alternate jurors either:**

(a) During jury selection, based on the order in which they are called; or

(b) Before the jury retires to deliberate, through a process of random selection in open court. 5.

If the court designates the jurors who are to sit as alternate jurors in the manner described in paragraph (b) of subsection 4, the court shall not, at any time during jury selection or the trial of the case, make any distinction as to which jurors will ultimately be designated alternate jurors.

6. Before persons whose names have been drawn are examined”.

Amend sec. 2, page 3, line 29, by deleting “6.” and inserting “[~~6.~~ 7.”.

Amend sec. 4, page 4, by deleting lines 20 through 23 and inserting:

“perform his duty or a public necessity. Alternate jurors, in the order in which they were *called or randomly* selected, shall replace jurors who”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law provides that the court may direct that not more than four alternate jurors in addition to the regular jury be called and impaneled to sit as alternate jurors in criminal trials, and not more than six alternate jurors be called and impaneled to sit as alternate jurors in civil trials. (NRS 175.061; N.R.C.P. 47) Alternate jurors are selected at the same time and in the same manner as regular jurors and are called to replace jurors, as necessary, in the order in which they are called. (NRS 16.030, 175.061)

This bill increases the number of alternate jurors that may be called in a criminal trial to six. This bill also changes the manner in which alternate jurors are designated in both criminal and civil trials. This bill retains the authority of the court to designate alternate jurors during jury selection. Alternatively, this bill authorizes the court to designate alternate jurors, through a process of random selection in open court, at the end of the trial before the jury retires to deliberate.