

SENATE BILL NO. 27—SENATOR WIENER

PREFILED FEBRUARY 3, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing selection of alternate jurors in criminal trials. (BDR 14-851)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to juries; revising the provisions governing the selection of alternate jurors in criminal trials; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that the court may direct that not more than four alternate
2 jurors in addition to the regular jury be called and impaneled to sit as alternate
3 jurors in criminal trials, and not more than six alternate jurors be called and
4 impaneled to sit as alternate jurors in civil trials. (NRS 175.061; N.R.C.P. 47)
5 Existing law further provides that each side in a criminal trial is entitled to one
6 peremptory challenge in addition to those otherwise allowed by law if one or two
7 alternate jurors are to be impaneled and two peremptory challenges if three or four
8 alternate jurors are to be impaneled. (NRS 175.061)
9 This bill increases the number of alternate jurors that may be called in a
10 criminal trial to six. This bill also provides that each side in a criminal trial is
11 entitled to three peremptory challenges in addition to those otherwise allowed by
12 law if five or six alternate jurors are to be impaneled.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 175.061 is hereby amended to read as follows:
2 175.061 1. The court may direct that not more than ~~four~~ **six**
3 jurors in addition to the regular jury be called and impaneled to sit
4 as alternate jurors.



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

4 ~~2-1~~ 3. Alternate jurors shall:

5 (a) Be drawn in the same manner;

6 (b) Have the same qualifications;

7 (c) Be subject to the same examination and challenges;

8 (d) Take the same oath; and

9 (e) Have the same functions, powers, facilities and privileges, as
10 the regular jurors.

11 ~~3-1~~ 4. If an alternate juror is required to replace a regular juror
12 after the jury has retired to consider its verdict, the judge shall recall
13 the jury, seat the alternate and resubmit the case to the jury.

14 ~~4-1~~ 5. Each side is entitled to one peremptory challenge in
15 addition to those otherwise allowed by law if one or two alternate
16 jurors are to be impaneled, ~~and~~ two peremptory challenges if three
17 or four alternate jurors are to be impaneled ~~1-1~~ , *and three*
18 *peremptory challenges if five or six alternate jurors are to be*
19 *impaneled*. The additional peremptory challenges may be used
20 against an alternate juror only, and the other peremptory challenges
21 allowed by statute may not be used against an alternate juror.

22 Sec. 2. This act becomes effective on July 1, 2005.

