

SENATE BILL NO. 421—COMMITTEE ON JUDICIARY

MARCH 25, 2013

Referred to Committee on Judiciary

SUMMARY—Requires a court to excuse a juror for cause under certain circumstances. (BDR 2-1109)

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; requiring a court to excuse a juror for cause under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a juror may be challenged for cause on certain grounds by either party to a jury trial and that any such challenge must be tried by the court. (NRS 16.050, 16.060, 175.036) **Section 1** of this bill: (1) revises the provisions establishing the grounds on which challenges for cause may be taken and includes, as an additional ground for such a challenge, any showing that the juror is more likely than not to be biased for or against any party to the proceeding; and (2) establishes a presumption that the juror is more likely than not to be biased if certain grounds for challenge apply to the juror. **Sections 2 and 3** of this bill require a court to excuse any juror the court determines is more likely than not to be biased.

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

- Section 1.** NRS 16.050 is hereby amended to read as follows:
- 16.050 1. Challenges for cause may be taken on one or more of the following grounds:
- (a) A want of any of the qualifications prescribed by statute to render a person competent as a juror.
 - (b) Consanguinity or affinity within the third degree to either party.
 - (c) Standing in the relation of debtor and creditor, guardian and ward, master and servant, employer and clerk, or principal and



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1 agent, to either party; or being a member of the family of either
2 party or a partner, or united in business with either party; or being
3 security on any bond or obligation for either party.

4 (d) Having served as a juror or been a witness on a previous trial
5 between the same parties for the same cause of action; or being then
6 a witness therein.

7 (e) ~~Interest~~ *Any interest* on the part of the juror in the event of
8 the action, or in the main question involved in the action; except the
9 interest of the juror as a member or citizen of a municipal
10 corporation.

11 (f) Having formed or expressed ~~an unqualified~~ *any* opinion or
12 belief as to the merits of the action, or the main question involved
13 therein; but the reading of newspaper accounts of the subject matter
14 before the court shall not disqualify a juror either for bias or
15 opinion.

16 (g) ~~[The existence of a state of mind in the juror evincing enmity~~
17 ~~against or bias to either party.]~~ *Any showing that the juror is more*
18 *likely than not to be biased for or against any party to the*
19 *proceeding.*

20 2. *There is a presumption that the juror is biased if the court*
21 *finds that any provision of paragraph (e), (f) or (g) of subsection 1*
22 *applies.*

23 3. A challenge for cause for standing in the relation of debtor
24 and creditor when the party to an action is a public utility as defined
25 in NRS 704.020 may be allowed only where the circumstances as
26 determined by the court so warrant.

27 **Sec. 2.** NRS 16.060 is hereby amended to read as follows:

28 16.060 Challenges for cause ~~shall~~ *must* be tried by the court.
29 The juror challenged and any other person may be examined as a
30 witness on the trial of the challenge. *The court shall excuse any*
31 *juror who the court determines is more likely than not to be biased*
32 *for or against any party to the proceeding.*

33 **Sec. 3.** NRS 175.036 is hereby amended to read as follows:

34 175.036 1. Either side may challenge an individual juror for
35 disqualification or for any cause or favor which would prevent the
36 juror from adjudicating the facts fairly.

37 2. Challenges for cause ~~shall~~ *must* be tried by the court. The
38 juror challenged and any other person may be examined as a witness
39 on the trial of the challenge. *The court shall excuse any juror who*
40 *the court determines is more likely than not to be biased for or*
41 *against any party to the proceeding.*

