

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1046

Short Title: Reduce Peremptory Challenges.

(Public)

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Sponsors: Senator Wellons (By Request).

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Referred to: Judiciary.

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April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE NUMBER OF PEREMPTORY JURY CHALLENGES IN  
CIVIL AND CRIMINAL CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 9-18(a) reads as rewritten:

"(a) Civil Cases. Whenever the presiding judge deems it appropriate, one or more alternate jurors may be selected in the same manner as the regular trial panel of jurors in the case. Each party shall be entitled to ~~two~~one peremptory ~~challenges~~challenge as to each such alternate juror, in addition to any unexpended challenges the party may have after the selection of the regular trial panel. Alternate jurors shall be sworn and seated near the jury with equal opportunity to see and hear the proceedings and shall attend the trial at all times with the jury and shall obey all orders and admonitions of the court to the jury. When the jurors are ordered kept together in any case, the alternate jurors shall be kept with them. An alternate juror shall receive the same compensation as other jurors and, except as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If before that time any juror dies, becomes incapacitated or disqualified, or is discharged for any reason, an alternate juror shall become a part of the jury and serve in all respects as those selected on the regular trial panel. If more than one alternate juror has been selected, they shall be available to become a part of the jury in the order in which they were selected."

1 Section 2. G.S. 9-19 reads as rewritten:

2 **"§ 9-19. Peremptory challenges in civil cases.**

3 The clerk, before a jury is impaneled to try the issues in any civil suit, shall read over  
4 the names of the prospective jurors in the presence and hearing of the parties or their  
5 counsel; and the parties, or their counsel for them, may challenge peremptorily ~~eight~~three  
6 jurors without showing any cause therefor, and the challenges shall be allowed by the  
7 court."

8 Section 3. G.S. 9-20 reads as rewritten:

9 **"§ 9-20. Civil cases having several defendants; challenges apportioned; discretion of**  
10 **judge.**

11 When there are two or more defendants in a civil action, the presiding judge, if it  
12 appears that there are antagonistic interests between the defendants, may in his discretion  
13 apportion among the defendants the challenges now allowed by law, or he may increase  
14 the number of challenges to not exceeding ~~six~~three for each defendant or class of  
15 defendants representing the same interest. In either event, the same number of challenges  
16 shall be allowed each defendant or class of defendants representing the same interest. The  
17 decision of the judge as to the nature of the interests and number of challenges shall be  
18 final."

19 Section 4. G.S. 15A-1217 reads as rewritten:

20 **"§ 15A-1217. Number of peremptory challenges.**

21 (a) Capital cases.

22 (1) Each defendant is allowed ~~four~~seven challenges.

23 (2) The State is allowed ~~four~~seven challenges for each defendant.

24 (b) Noncapital cases.

25 (1) Each defendant is allowed ~~six~~three challenges.

26 (2) The State is allowed ~~six~~three challenges for each defendant.

27 (c) Each party is entitled to one peremptory challenge for each alternate juror in  
28 addition to any unused challenges."

29 Section 5. This act becomes effective December 1, 1997, and applies to  
30 offenses committed on or after that date and to causes of action filed on or after that date.