

1 SB145
2 165125-4
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 03-MAR-15

1 SB145

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to jury trials and juries; to amend
12 Sections 12-16-100 and 12-16-101, Code of Alabama 1975, to
13 provide for a six member jury in certain criminal proceedings;
14 to amend Section 12-16-140, Code of Alabama 1975, to provide
15 for a six member jury in civil cases in which the amount in
16 controversy does not exceed \$50,000; to provide an exemption
17 from jury service for persons 70 years of age or older; to
18 provide for removal from the master list of potential jurors;
19 and to provide for reinstatement on the master list upon
20 request.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 12-16-100, 12-16-101, and
23 12-16-140, Code of Alabama 1975, are amended to read as
24 follows:

25 "§12-16-100.

1 "(a) In every criminal case the jury shall be drawn,
2 selected and empaneled as follows: Upon the trial by jury in
3 the circuit courts of any person charged with a felony,
4 including a capital felony, a misdemeanor, or violation, the
5 court shall require a strike list or lists to be compiled from
6 the names appearing on the master strike list as established
7 in Section 12-16-74. In compiling the list or lists, names of
8 qualified jurors may be omitted on a nonselective basis. A
9 strike list shall be furnished for the trial of any case at
10 hand and a copy thereof given to all parties. The jurors whose
11 names appear thereon shall be brought into open court, the
12 case shall be called and in the presence of the district
13 attorney and the defendant and his attorney, the jurors shall
14 be examined on voir dire for the trial of the case at hand.
15 After the conclusion of the voir dire examination and the
16 removal from the strike list of the names of those jurors who
17 were challenged or excused for good reason, the district
18 attorney shall be required first to strike from the strike
19 list the name of one juror, and the defendant shall strike
20 one, and they shall continue to strike off names alternately
21 until only 12 jurors remain on the strike list and these 12
22 jurors thus selected shall be the jury charged with the trial
23 of the case if the person is charged with a felony. If the
24 person is charged with a misdemeanor or violation, on appeal
25 in a case originating in district or municipal court after the
26 conclusion of the voir dire examination and the removal from

1 the strike list of the names of those jurors who were
2 challenged or excused for good reason, the district attorney
3 shall be required first to strike from the strike list the
4 name of one juror, and the defendant shall strike one, and
5 they shall continue to strike off names alternately until only
6 6 jurors remain on the strike list and these 6 jurors thus
7 selected shall be the jury charged with the trial of the case.

8 If any defendant shall refuse to exercise a strike to which he
9 is entitled, then the judge presiding shall exercise that
10 defendant's strike for him. The number of names appearing on
11 the strike list upon commencement of striking, unless a lesser
12 number is agreed to by the parties, shall not be less than 36
13 if the offense charged is a capital felony nor less than 24 if
14 the offense charged is a felony not punished capitally nor
15 less than ~~18~~ 12 if the offense charged is a misdemeanor or
16 violation. In the event the list of competent prospective
17 jurors is reduced to fewer than the number required by this
18 subsection, the court shall add prospective jurors in the
19 manner prescribed in Section 12-16-76. No special venire shall
20 be ordered, drawn, or summoned for the trial of any person
21 indicted for a capital felony.

22 "(b) The court may in its discretion qualify such
23 alternate jurors as it deems necessary, except that in capital
24 cases the court shall qualify at least two alternate jurors,
25 as required by law. Alternate jurors shall be drawn from the
26 venire in the same manner, shall have the same qualifications,

1 shall be subject to the same examination and challenges, shall
2 take the same oath, and shall have the same functions, powers,
3 facilities, and privileges as the principal jurors, except
4 that they shall not deliberate with the jury or vote upon the
5 verdict unless designated to replace a principal juror. An
6 alternate juror who does not replace a principal juror shall
7 be discharged at the time the jury retires to consider its
8 verdict.

9 "(c) If the court determines that more than two
10 alternate jurors shall be selected in a capital case, or that
11 one or more alternate jurors shall be selected in a noncapital
12 case, upon commencement of striking, unless the parties
13 consent to the use of a lesser number, the minimum number of
14 names required on the strike list in subsection (a) shall be
15 increased by two for each alternate juror to be selected;
16 provided that such increase in names shall not apply for the
17 first two alternate jurors to be selected in a capital case.
18 The parties shall then strike from the strike list as herein
19 provided until there remain 12 jurors in a felony case or 6
20 jurors in a misdemeanor or violation case on appeal in a case
21 originating in district or municipal court. The last juror or
22 jurors struck shall be the alternate or alternates, and if it
23 becomes necessary for an alternate to replace a principal
24 juror, the last juror struck shall be designated. The identity
25 of alternate jurors shall not be divulged to the jurors until
26 the jury retires for deliberation.

1 "(d) Any county having existing laws on April 15,
2 1982 establishing procedures for the selection and use of
3 alternate jurors, may at the election of the presiding circuit
4 judge, continue to follow the provisions of such law with
5 respect to the selection of alternate jurors. Such election
6 must be made in writing within 30 days of April 15, 1982 and
7 filed with the Secretary of State, the Clerk of the Supreme
8 Court, the Administrative Office of Courts and the local bar
9 of the county affected thereby. At any time after said
10 election, either the presiding circuit judge, or a majority of
11 the circuit judges in the circuit wherein the county is
12 located, may elect to come under the provisions of this
13 chapter by filing written notice as required above.

14 "(e) In any criminal case in which the defendant
15 pleads guilty to a nonviolent offense which is subject to the
16 presumptive sentencing standards adopted by the Alabama
17 Sentencing Commission pursuant to Section 12-25-34.2 and the
18 prosecutor chooses to pursue an increased sentence due to
19 aggravating circumstances, and the defendant does not
20 stipulate to the existence of the aggravating circumstances or
21 agree with the prosecutor that the judge alone determine
22 whether the aggravating circumstances exist, the jury shall
23 consist of 6 members selected in the same manner as provided
24 in subsection(a).

25 "§12-16-101.

1 "In case two or more persons are tried jointly, the
2 district attorney shall strike one, and each defendant shall
3 have the right to strike off one name, and they shall continue
4 thus to strike off names until only 12 jurors remain, and the
5 12 jurors thus selected shall be the jury charged with the
6 trial of the defendants in a felony case. In a misdemeanor
7 case, the district attorney shall strike one, and each
8 defendant shall have the right to strike off one name, and
9 they shall continue thus to strike off names until only 6
10 jurors remain, and the 6 jurors thus selected shall be the
11 jury charged with the trial of the defendants.

12 "§12-16-140.

13 "In all civil actions triable by jury in which the
14 amount in controversy does not exceed \$50,000 at the time of
15 filing, either party may demand a struck jury and must
16 thereupon be furnished by the clerk with a list of ~~24~~ 12
17 jurors in attendance upon the court, from which a jury must be
18 obtained by the parties or their attorneys alternately
19 striking one from the list until ~~12~~ 6 are stricken off, the
20 party demanding the jury commencing. In all other civil
21 actions triable by jury, either party may demand a struck jury
22 and must thereupon be furnished by the clerk with a list of 24
23 jurors in attendance upon the court, from which a jury must be
24 obtained by the parties or their attorneys alternately
25 striking one from the list until 12 are stricken off, the
26 party demanding the jury commencing.

1 "The jury thus obtained must not be challenged for
2 any cause, except bias or interest as to the particular case."

3 Section 2. (a) A person 70 years of age or older
4 shall be excused from being called to jury service upon
5 written request to the jury commission in the county in which
6 he or she is requested to serve.

7 (b) (1) A person 70 years of age or older may
8 request, in writing, to the jury commission that he or she be
9 removed from the master list of potential jurors. Upon
10 verification of the person's age, the jury commission shall
11 remove the person from the master list of potential jurors.

12 (2) A person who has been removed from the master
13 list pursuant to subdivision (1) may request to be reinstated
14 on the master list provided that he or she satisfies the
15 qualifications required by Article 2A, Chapter 16, Title 12,
16 Code of Alabama 1975.

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 03-MAR-15

Read for the second time and placed on the calen-
dar 1 amendment..... 11-MAR-15

Read for the third time and passed as amended 18-MAR-15

Yeas 28
Nays 2

Patrick Harris
Secretary