



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

HB 2228: jurors; peremptory challenge; civil action

Sponsor: Representative Hendrix, LD 14

Committee on Judiciary

Overview

Reinstates the use of peremptory challenges in jury selection for civil actions in superior court.

History

The Arizona Supreme Court can make rules concerning pleading, practice and procedure as long as those rules are supplementary to, and not inconsistent with, statute ([A.R.S. § 12-903](#)).

Jury selection is the process of summoning, questioning and selecting jurors to serve on a jury for a particular trial. A number of potential jurors are randomly assigned to a case, and then the judge for that case provides an introduction on the nature of the case to be tried. Following this, the individuals are questioned by the judge and the various parties to the case. This examination, termed *voir dire* — a French phrase meaning *to speak the truth* —, is employed to ascertain the impartiality and suitability of the prospective jurors. If a party believes that a particular individual is unsuitable, then that potential juror can be challenged and removed ([Rules Civ. Proc., Rule 47](#); [Cornell LII, jury selection](#)).

Historically, in line with ancient common law custom, there were two types of challenges: 1) challenges for cause, these excluded potential jurors who demonstrated an inability to be impartial; and 2) peremptory challenges, these permitted a party to exclude a potential juror without the need for reason or explanation ([CRS, Batson v. Kentucky and Federal Peremptory Challenge Law](#); [Cornell LII, jury selection](#)).

In 2021, the Arizona Supreme Court amended certain rules concerning criminal and civil procedure. This amendment eliminated all peremptory challenges in jury selection in all criminal and civil trials as of January 1, 2022 ([R-21-0020, Arizona Supreme Court](#)).

Provisions

1. Entitles, in civil actions in the superior court, parties to use up to four peremptory challenges. (Sec. 1)
2. Permits parties to waive their right to peremptory challenges. (Sec. 1)
3. Stipulates that a party waving its right to a peremptory challenge does not affect the other party's right to use peremptory challenges. (Sec. 1)
4. Allows the court to grant additional peremptory challenges to two or more parties on the same side if they have adverse interests. (Sec. 1)
5. Stipulates that if the court grants one party additional peremptory challenges, then it must allow an equal number of peremptory challenges to the opposing side. (Sec. 1)
6. Contains a legislative findings clause. (Sec. 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note