

By: Watson

To: Judiciary A

HOUSE BILL NO. 843
(As Passed the House)

1 AN ACT TO AMEND SECTION 13-5-67, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE JUDGES TO RETAIN ALTERNATE JURORS UNTIL THE END OF
3 TRIAL; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 13-5-67, Mississippi Code of 1972, is
6 amended as follows:

7 13-5-67. Except in cases in which jury selection and
8 selection of alternate jurors is governed by rules promulgated by
9 the Mississippi Supreme Court, * * * a circuit judge or chancellor
10 presiding in a case in which a jury is to be used, in exercising
11 discretion, may direct that, in addition to the regular jury
12 panel, a sufficient number of jurors, as determined by the trial
13 judge, be impaneled to sit as alternate jurors. Such alternate
14 jurors in the order in which they are impaneled shall replace
15 regular trial jurors who * * * become unable or disqualified to
16 perform their duties. Alternate jurors shall be drawn in the same
17 manner, shall have the same qualifications, shall be subject to
18 the same examination and challenges for cause, shall take the same
19 oath and shall have the same functions, powers, facilities and
20 privileges as the regular jurors. In the discretion of the trial
21 judge, alternate jurors who have not replaced regular jurors at
22 the time the jury retires to consider its verdict may be retained,
23 subject to the trial judge's instructions to refrain from
24 discussion about the merits of the case, whether sequestered
25 within or without the jury room. In the event that a regular
26 juror has to be excused after the jury has retired to consider its

27 verdict, the trial judge may, in exercising discretion, replace
28 the excused regular juror with an alternate juror; provided,
29 however, that the trial judge shall first voir dire the next
30 available alternate juror to assure that during the period of
31 sequestration, the alternate juror has not discussed with anyone
32 the merits of the case under consideration, nor received any
33 extraneous prejudicial information about the case, and if so
34 satisfied upon proper finding of record, the trial judge may then
35 place said duly qualified alternate juror on the regular trial
36 jury so that the jury may continue its deliberation. This
37 procedure of replacing a regular juror with an alternate juror
38 may, in the exercise of discretion by the trial judge, be utilized
39 in either phase of a bifurcated civil or criminal jury trial. The
40 number and manner of exercise of preemptory challenges to
41 alternate jurors shall be governed by rules promulgated by the
42 Mississippi Supreme Court.

43 SECTION 2. This act shall take effect and be in force from
44 and after July 1, 2000.