

By: Representative McBride

To: Judiciary A

HOUSE BILL NO. 395

1 AN ACT TO AMEND SECTION 13-5-67, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE METHOD FOR SELECTING ALTERNATE JURORS IN CIVIL AND
3 CRIMINAL CASES; 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 panel, as
12 sufficient number of jurors, as determined by the trial judge, be
13 impaneled to sit as alternate jurors. Such alternate jurors, in
14 the order in which they are impaneled, shall replace regular trial
15 jurors who * * * become unable or disqualified to perform their
16 duties. Alternate jurors shall be drawn in the same manner, shall
17 have the same qualifications, shall be subject to the same
18 examination and challenges for cause, shall take the same oath and
19 shall have the same functions, powers, facilities and privileges
20 as the regular jurors. * * * Alternate jurors who have not
21 replaced * * * regular jurors * * * at the time the jury retires
22 to consider its verdict may be retained, subject to the trial
23 judge's instructions to refrain from discussion about the merits
24 of the case, whether sequestered within or without the jury room.
25 If a regular juror has to be excused after the jury has retired to
26 consider its verdict, the trial judge may, in exercising
27 discretion, replace the excused regular juror with an alternate

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

42 SECTION 2. This act shall take effect and be in force from
43 and after July 1, 2001.