

By: Representative McBride

To: Judiciary A

HOUSE BILL NO. 395  
(As Passed the House)

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; TO INCLUDE COUNTY COURTS; AND FOR RELATED  
4 PURPOSES.

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

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

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

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

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