

1 IN THE HOUSE BY MESSRS. SANDERS AND TAYLOR

2 HOUSE BILL NO. 94

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of peremptory  
7 challenges to the jury in civil cases;  
8 amending Secs. 55-7-41 and 55-7-50, ACLA  
9 1949; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 Section 1. Sec. 55-7-41, ACLA 1949 is amended to read:

12 Sec. 55-7-41. MANNER OF CHOOSING JURORS: EXAMINATION  
13 AND CHALLENGE FOR CAUSE: WAIVER, NUMBER AND ORDER OF PER-  
14 EMPTORY CHALLENGES. Jurors for the trial of causes both civil  
15 and criminal in the District Court shall be chosen in the  
16 following manner, to-wit:

17 When a case which is to be tried by a jury is called  
18 for trial, the clerk shall draw from the trial jury box  
19 containing the names of those on the regular panel who have  
20 been summoned and not excused as jurors, the names of twelve  
21 (12) persons; provided that if the panel consists of twenty-  
22 four (24) or more jurors available for immediate jury duty,  
23 and if the name of a juror is called who is then engaged  
24 in trying of or deliberating on any other case, such name  
25 shall be rejected and another name drawn in his stead, without  
26 delaying the completion of the panel. These twelve (12)  
27 prospective jurors shall be examined as to their qualifica-  
28 tions first by the plaintiff and then by the defendant. If  
29 the challenge for cause should be sustained, the place of

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the person called to fill said place, shall be then examined for cause.

When there are twelve (12) qualified persons in the jury box, the parties shall exercise peremptory challenges in the following order:

In trials of civil cases: Plaintiff, one, defendant, one; and so on alternately, until each side has exercised peremptory challenges to the number of six [THREE].

Either party may waive a peremptory challenge as to the jurors in the box, but the challenge shall not be thereby lost and the same may be exercised as to any new jurors who may be called. After waiver of a peremptory challenge as to jurors in the box none of such jurors shall be thereafter challenged peremptorily by the party so waiving except for good cause shown. In no event shall either party be allowed a greater number of peremptory challenges than is herein provided.

Sec. 2. Sec. 55-7-50, ACLA 1949 is amended to read:

Sec. 55-7-50. WHO MAY TAKE CHALLENGE: JOINDER: NUMBER OF PEREMPTORY CHALLENGES. A peremptory challenge or a challenge for cause may be taken by either party. When there are two or more parties, plaintiffs or defendants, they must join in the challenge or it can not be taken. Either party shall be entitled to six [THREE] peremptory challenges and no more.

Sec. 3. This act takes effect on the day after its passage and approval or on the day it becomes law without such approval.