

REFERENCE TITLE: jurors; peremptory challenges

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2413

Introduced by
Representatives Parker: Biasiucci, Blackman, Burges, Chaplik, Fillmore,
Hoffman, Nguyen, Pingerelli

AN ACT

AMENDING TITLE 21, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 21-316; RELATING TO JURORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 21, chapter 3, article 2, Arizona Revised
3 Statutes, is amended by adding section 21-316, to read:
4 21-316. Peremptory challenges
5 A. IN A CRIMINAL ACTION, UNLESS THE PARTIES AGREE TO FEWER
6 CHALLENGES, EACH PARTY IS ENTITLED TO THE FOLLOWING PEREMPTORY CHALLENGES:
7 1. IF THE OFFENSE CHARGED IS PUNISHABLE BY DEATH, TEN.
8 2. IF THE OFFENSE CHARGED IS NOT PUNISHABLE BY DEATH AND THE CASE
9 IS TRIED IN:
10 (a) THE SUPERIOR COURT, SIX.
11 (b) A LIMITED JURISDICTION COURT, TWO.
12 3. IF THE TRIAL INVOLVES MORE THAN ONE DEFENDANT, ONE-HALF THE
13 NUMBER OF PEREMPTORY CHALLENGES TO WHICH A SINGLE DEFENDANT IS ENTITLED.
14 THE STATE IS NOT ENTITLED TO ADDITIONAL PEREMPTORY CHALLENGES.
15 B. IN A CIVIL ACTION IN THE SUPERIOR COURT, EACH PARTY IS ENTITLED
16 TO FOUR PEREMPTORY CHALLENGES THAT ARE USED IN THE FOLLOWING MANNER:
17 1. BEGINNING WITH THE PLAINTIFF, THE PARTIES MUST USE A PEREMPTORY
18 CHALLENGE BY ALTERNATIVELY STRIKING JURORS UNTIL ALL CHALLENGES ARE USED
19 OR WAIVED. IF A PARTY DOES NOT USE A PEREMPTORY CHALLENGE, THE PARTY
20 WAIVES ANY REMAINING PEREMPTORY CHALLENGES. IF A PARTY WAIVES A
21 PEREMPTORY CHALLENGE, THE WAIVER DOES NOT AFFECT ANY OTHER PARTY'S
22 REMAINING PEREMPTORY CHALLENGES.
23 2. THE COURT MAY ALLOW A PARTY ADDITIONAL PEREMPTORY CHALLENGES IF
24 TWO OR MORE PARTIES ON A SIDE HAVE ADVERSE OR HOSTILE INTERESTS. IF THE
25 COURT ALLOWS A PARTY ADDITIONAL PEREMPTORY CHALLENGES, THE COURT SHALL
26 ALLOW AN EQUAL NUMBER OF PEREMPTORY CHALLENGES TO THE PARTY OR PARTIES ON
27 THE OTHER SIDE. IF ANY PARTY IS UNABLE TO AGREE ON THE DISTRIBUTION OF
28 PEREMPTORY CHALLENGES, THE COURT SHALL EQUALLY DISTRIBUTE THE ADDITIONAL
29 PEREMPTORY CHALLENGES.
30 C. IN A FORCIBLE DETAINER ACTION, EACH PARTY IS ENTITLED TO THREE
31 PEREMPTORY CHALLENGES.
32 D. IN A CIVIL ACTION IN A JUSTICE COURT, EACH PARTY IS ENTITLED TO
33 TWO PEREMPTORY CHALLENGES.
34 Sec. 2. Emergency
35 This act is an emergency measure that is necessary to preserve the
36 public peace, health or safety and is operative immediately as provided by
37 law.