

**SB 931 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

---

**Prepared By:** Michael Lantz, LPRO Analyst

**Meeting Dates:** 3/29

---

**WHAT THE MEASURE DOES:**

Allows replacement of juror discharged during deliberations.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Under current Oregon law, a juror may be removed during a trial if that juror dies, becomes ill or if the court finds another sufficient cause. If a juror is removed, an alternate juror may take the original juror's place, so long as trial deliberations have not started.

If a defendant is convicted, the case then proceeds to sentencing. In some criminal cases, the judge may be asked to deviate from the standard range. When the prosecution seeks an increased sentence, the evidence as to what merits that enhancement must be considered by the jury. If a juror is discharged while the enhancing evidence is being presented, that juror may be replaced by an alternate. However, a juror cannot be replaced once the jury has begun deliberating on enhancement factors.

Senate Bill 931 allows an alternate juror to take the place of a discharged juror during the sentencing phase, regardless of whether deliberations have started. If deliberations have begun, the jury is required to start their deliberations over. Additionally, SB 931 clarifies the court's ability to replace a juror during trial deliberations and requires that deliberations begin from the start if a replacement juror is added.