

SENATE AMENDMENTS TO SENATE BILL 931

By COMMITTEE ON JUDICIARY

April 25

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “136.260,”.
- 2 After line 3, insert:
- 3 “**SECTION 1.** ORS 136.260 is amended to read:
- 4 “136.260. (1)(a) In the trial of a person charged with a crime, the court may in its discretion[,
5 *after the jury is impaneled and sworn,*] direct the calling of additional jurors, to be known as ‘alter-
6 nate jurors.’ The court may call:
- 7 “(A) One to six additional jurors if the person is charged with a felony; and
8 “(B) One to three additional jurors if the person is charged with a misdemeanor.
- 9 “(b) Jurors called under paragraph (a) of this subsection:
- 10 “(A) Must be drawn from the same source and in the same manner and must have the same
11 qualifications as other jurors in the case.
- 12 “(B) Are subject to the same examination and may be challenged in the same manner as other
13 jurors.
- 14 “(c) In the drawing of alternate jurors, the names of jurors excused for cause or on peremptory
15 challenges in the selection of the jury to which the jurors shall serve as alternates must be excluded
16 from the names from which the drawing is made.
- 17 “(2) Each side is entitled to the following peremptory challenges in addition to those otherwise
18 allowed by statute:
- 19 “(a) If one or two alternate jurors are to be impaneled, each side is entitled to one peremptory
20 challenge.
- 21 “(b) If three or four alternate jurors are to be impaneled, each side is entitled to two peremptory
22 challenges.
- 23 “(c) If five or six alternate jurors are to be impaneled, each side is entitled to three peremptory
24 challenges.
- 25 “(3) [*The additional peremptory challenges may be used against an alternate juror only, and the*
26 *other peremptory challenges allowed by statute may not be used against an alternate juror.*] **The court**
27 **has discretion to decide:**
- 28 “(a) **When and in what manner the alternate jurors are selected;**
- 29 “(b) **When and in what manner the additional peremptory challenges described in sub-**
30 **section (2) of this section may be used; and**
- 31 “(c) **When and in what manner the alternate jurors are informed of their status as al-**
32 **ternate jurors.”.**
- 33 In line 4, delete “1” and insert “2”.
- 34 Delete lines 13 through 16 and insert:
- 35 “(2) If, after the jury has begun deliberations, any juror dies or is unable to perform the duty

1 because of illness or other sufficient cause, the court shall discharge the juror from the case and
2 may draw the name of an alternate juror to replace the discharged juror if:

3 “(a) An alternate juror is available and has not yet been discharged; and

4 “(b) Both parties agreed to the substitution after the jury was selected but prior to the begin-
5 ning of the trial.”.

6 In line 26, delete “2” and insert “3”.

7 On page 2, line 19, delete “3” and insert “4”.

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