

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 931**

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
5 may in its discretion[, *after the jury is impaneled and sworn,*] direct the
6 calling of additional jurors, to be known as ‘alternate jurors.’ The court may
7 call:

8 “(A) One to six additional jurors if the person is charged with a felony;
9 and

10 “(B) One to three additional jurors if the person is charged with a
11 misdemeanor.

12 “(b) Jurors called under paragraph (a) of this subsection:

13 “(A) Must be drawn from the same source and in the same manner and
14 must have the same qualifications as other jurors in the case.

15 “(B) Are subject to the same examination and may be challenged in the
16 same manner as other jurors.

17 “(c) In the drawing of alternate jurors, the names of jurors excused for
18 cause or on peremptory challenges in the selection of the jury to which the
19 jurors shall serve as alternates must be excluded from the names from which
20 the drawing is made.

21 “(2) Each side is entitled to the following peremptory challenges in addi-

1 tion to those otherwise allowed by statute:

2 “(a) If one or two alternate jurors are to be impaneled, each side is enti-
3 tled to one peremptory challenge.

4 “(b) If three or four alternate jurors are to be impaneled, each side is
5 entitled to two peremptory challenges.

6 “(c) If five or six alternate jurors are to be impaneled, each side is enti-
7 tled to three peremptory challenges.

8 “(3) *[The additional peremptory challenges may be used against an alter-
9 nate juror only, and the other peremptory challenges allowed by statute may
10 not be used against an alternate juror.]* **The court has discretion to decide:**

11 **“(a) When and in what manner the alternate jurors are selected;**

12 **“(b) When and in what manner the additional peremptory chal-
13 lenges described in subsection (2) of this section may be used; and**

14 **“(c) When and in what manner the alternate jurors are informed
15 of their status as alternate jurors.”.**

16 In line 4, delete “1” and insert “2”.

17 Delete lines 13 through 16 and insert:

18 “(2) If, after the jury has begun deliberations, any juror dies or is unable
19 to perform the duty because of illness or other sufficient cause, the court
20 shall discharge the juror from the case and may draw the name of an alter-
21 nate juror to replace the discharged juror if:

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

23 “(b) Both parties agreed to the substitution after the jury was selected
24 but prior to the beginning of the trial.”.

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

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

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