

House Bill 859

By: Representatives Bordeaux of the 125th and Campbell of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated,
2 relating to trial juries, so as to change provisions relating to peremptory challenges in felony
3 cases; to change provisions relating to selecting alternate jurors; to provide the manner in
4 which peremptory challenges are made; to change the size of the jury panel in felony cases;
5 to provide for related matters; to provide for an effective date; to provide for applicability;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 5 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to trial
10 juries, is amended by striking Code Section 15-12-160, relating to the required panel of
11 jurors in felony trials and the summoning of tales jurors, and inserting in lieu thereof the
12 following:

13 "15-12-160.

14 When any person stands indicted for a felony, the court shall have impaneled ~~30~~ 28 jurors
15 from which the defense and prosecution may strike jurors; provided, however, in any case
16 in which the state announces its intention to seek the death penalty, the court shall have
17 impaneled 42 jurors from which the defense and state may strike jurors. If, for any reason,
18 after striking from the panel there remain less than 12 qualified jurors to try the case, the
19 presiding judge shall summon such numbers of persons who are competent jurors as may
20 be necessary to provide a full panel. In making up the panel or successive panels, the
21 presiding judge shall draw the tales jurors from the jury box of the county and shall order
22 the sheriff to summon them."

23 **SECTION 2.**

24 Said article is amended further by striking Code Section 15-12-165, relating to the number
25 of peremptory challenges of jurors, and inserting in lieu thereof the following:

1 "15-12-165.

2 At the trial of Every any person indicted for a crime or offense felony, the defendant may
 3 peremptorily challenge 12 ten and the state may peremptorily challenge six of the jurors
 4 impaneled to try him the case. ~~The state shall be allowed one-half the number of~~
 5 ~~peremptory challenges allowed to the accused; provided, however~~ However, in any case
 6 in which the state announces its intention to seek the death penalty, the ~~person indicted for~~
 7 ~~the crime~~ defendant may peremptorily challenge 20 jurors and the state ~~shall be allowed~~
 8 ~~one-half the number of~~ may peremptory challenges allowed to the accused challenge ten
 9 of the jurors impaneled to try the case."

10 SECTION 3.

11 Said article is amended further by striking Code Section 15-12-166, relating to jurors not
 12 challenged are to be sworn, and inserting in lieu thereof the following:

13 "15-12-166.

14 If a juror is found competent ~~and is not challenged peremptorily by the state, he shall be~~
 15 ~~put upon the accused, the defendant and the state shall exercise their peremptory challenges~~
 16 with the state exercising the first challenge. Unless the parties and the court agree to
 17 another procedure, peremptory challenges shall be exercised in a manner so that the
 18 challenges shall not be heard by the jurors. Unless ~~he~~ the juror is challenged peremptorily
 19 by the ~~accused~~ defendant or the state, the juror shall be sworn to try the case."

20 SECTION 4.

21 Said article is amended further by striking Code Section 15-12-169, relating to the manner
 22 of selecting alternate jurors, and inserting in lieu thereof the following:

23 "15-12-169.

24 Alternate jurors must be drawn from the same source and in the same manner and have the
 25 same qualifications as the jurors already sworn. They shall be subject to the same
 26 examination and challenges. The number of alternative jurors shall be determined by the
 27 court. The state and the defendant shall be entitled to as many peremptory challenges to
 28 alternate jurors as there are alternate jurors called. ~~The defendant shall be entitled to~~
 29 ~~additional peremptory challenges in an amount twice greater than the additional~~
 30 ~~peremptory challenges of the state.~~ The peremptory challenges allowed to the state and to
 31 the defendant in such event shall be in addition to the regular number of peremptory
 32 challenges allowed in criminal cases to the defendant and to the state as provided by law.
 33 When two or more defendants are tried jointly, each defendant shall be entitled to as many
 34 peremptory challenges to alternate jurors as there are alternate jurors called."

1 **SECTION 5.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 6.**

5 This Act shall apply to all criminal cases involving offenses occurring on or after the
6 effective date of this Act.

7 **SECTION 7.**

8 All laws and parts of laws in conflict with this Act are repealed.