

The House Committee on Judiciary offers the following substitute to SB 405:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juries, so as to provide for six-person jury trials in civil and criminal matters; to provide
3 exceptions; to provide a termination date; to provide for related matters; to provide for an
4 effective date; to provide for automatic repeal; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is
9 amended in Code Section 15-12-122, relating to demand of jury panels from which to select
10 jury in civil actions in the state courts and the superior courts, as follows:

11 "15-12-122.

12 (a)(1) Except as provided in ~~paragraph~~ paragraphs (2) and (3) of this Code section
13 subsection, in all civil actions in the state courts, each party may demand a full panel of
14 12 competent and impartial jurors from which to select a jury. When one or more of the
15 regular panel of trial jurors is absent or for any reason disqualified, the judge, at the
16 request of counsel for either party, shall cause the panel to be filled by additional
17 competent and impartial jurors to the number of 12 before requiring the parties or their
18 counsel to strike a jury. In all such cases the parties or their attorneys may strike
19 alternately, with the plaintiff exercising the first strike, until a jury of six persons is
20 impaneled to try the case.

21 (2) Except as provided in paragraph (3) of this subsection, in ~~in~~ all civil actions in the
22 state courts in which the claim for damages is greater than \$25,000.00, either party may
23 demand in writing prior to the commencement of the trial term that the case be tried by
24 a jury of 12. If such a demand is made, the judge shall follow the procedures for superior
25 courts of subsection (b) of this Code section.

26 (3) In all civil actions in the state courts where a jury is impaneled between the period
 27 beginning July 1, 2020, and ending June 30, 2021, a civil action may be tried by a jury
 28 of fewer than 12 persons but no fewer than six persons at the discretion of the trial judge
 29 or by consent of the parties, regardless of either party making a demand in writing prior
 30 to the commencement of the trial term that the case be tried by a jury of 12; in all such
 31 cases the parties or their counsel may strike alternately, with the plaintiff exercising the
 32 first strike, until a jury of fewer than 12 but no fewer than six persons is impaneled to try
 33 the case.

34 (b)(1) Except as provided in paragraph (2) of this subsection, in in all civil actions in the
 35 superior courts, each party may demand a full panel of 24 competent and impartial jurors
 36 from which to select a jury. When one or more of the regular panel of trial jurors is
 37 absent or for any reason disqualified, the judge, at the request of counsel for either party,
 38 shall cause the panel to be filled by additional competent and impartial jurors to the
 39 number of 24 before requiring the parties or their counsel to strike a jury. In all cases the
 40 parties or their attorneys may strike alternately, with the plaintiff exercising the first
 41 strike, until a jury of 12 persons is impaneled to try the case.

42 (2) In all civil actions in the superior courts where a jury is impaneled in superior courts
 43 between the period beginning July 1, 2020, and ending June 30, 2021, the parties may
 44 consent to a panel of 12 competent and impartial jurors from which to select a jury.
 45 When one or more of the regular panel of trial jurors is absent or for any reason
 46 disqualified, the judge, at the request of counsel for either party, shall cause the panel to
 47 be filled by additional competent and impartial jurors to the number of 12 before
 48 requiring the parties or their counsel to strike a jury. In all such cases the parties or their
 49 attorneys may strike alternately, with the plaintiff exercising the first strike, until a jury
 50 of fewer than 12 but no fewer than six persons is impaneled to try the case."

51 **SECTION 2.**

52 Said chapter is further amended by revising Code Section 15-12-160.1, relating to
 53 impanelling jurors for criminal trials and choosing and summoning prospective jurors if
 54 necessary to fill panel, as follows:

55 "15-12-160.1.

56 (a) On and after July 1, 2012, when any person stands indicted for a felony, the court shall
 57 have impaneled 30 jurors from which the defense and prosecution may strike jurors;
 58 provided, however, that in any case in which the state announces its intention to seek the
 59 death penalty, the court shall have impaneled 42 jurors from which the defense and state
 60 may strike jurors. If, for any reason, after striking from the panel there remain fewer than
 61 12 qualified jurors to try the case, the clerk shall choose and cause to be summoned such

62 numbers of persons who are competent prospective jurors as may be necessary to provide
63 a full panel or successive panels. In making up the panel or successive panels, the clerk
64 shall choose the names of prospective trial jurors in the same manner as prospective trial
65 jurors are chosen and cause such persons to be summoned.

66 (b) Except as provided in subsection (a) of this Code section, with the consent of the
67 parties, when any person stands indicted for or accused of a felony offense, the superior
68 court shall impanel sufficient jurors so that no fewer than six jurors are qualified to try the
69 case from the effective date of this subsection through June 30, 2021. This subsection shall
70 stand repealed by operation of law on July 1, 2021."

71 **SECTION 3.**

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

74 **SECTION 4.**

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