

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1095

Amending Civil Rule 47 and
Criminal Rule 24 concerning
alternate jurors.

IT IS ORDERED:

1. Civil Rule 47(b) is amended to provide:

(b) Alternate Jurors.

(1) Generally. A court may impanel alternate jurors using one of the procedures set out in subparagraph (b)(2) below. If alternate jurors are called,

(A) they shall be drawn in the same manner, shall have the same qualification, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities and privileges as the principal jurors; and

(B) each party is entitled to one peremptory challenge in addition to those otherwise allowed by paragraph (d) of this rule.

(2) Procedures.

(A) The [A] court may direct that one or two jurors in addition to the regular jury [PANEL] be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall

replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. [ALTERNATE JURORS SHALL BE DRAWN IN THE SAME MANNER, SHALL HAVE THE SAME QUALIFICATION, SHALL BE SUBJECT TO THE SAME EXAMINATION AND CHALLENGES, SHALL TAKE THE SAME OATH, AND SHALL HAVE THE SAME FUNCTIONS, POWERS, FACILITES AND PRIVILEGES AS THE PRINCIPAL JURORS.] An alternate juror who does not replace a principal juror shall be discharged after the jury retires to consider its verdict.

[IF ONE OR TWO ALTERNATE JURORS ARE CALLED, EACH PARTY IS ENTITLED TO ONE PEREMPTORY CHALLENGE IN ADDITION TO THOSE OTHERWISE ALLOWED BY PARAGRAPH (D) OF THIS RULE.] The additional peremptory challenge allowed by section (b)(1)(B) may be used only against an alternate juror, and the other peremptory challenges allowed by paragraph (d) of this rule, shall not be used against the alternates.

(B) The court may direct that one or two jurors be called and impaneled in addition to the number of jurors required by law to comprise the jury. The court may excuse jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform thir duties. If more than the required number are left on the jury when the jury is ready to

retire, the clerk in open court shall select at random the names of a sufficient number of jurors to reduce the jury to the number required by law. The jurors selected for elimination shall be discharged after the jury retires to consider its verdict.

2. Criminal Rule 24(b) is amended to provide:

(b) Alternate Jurors.

(1) Generally. A court may impanel alternate jurors using one of the procedures set out in subparagraph (b)(2) below. If alternate jurors are called,

(A) they shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities and privileges as the regular jurors; and

(B) each side is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impanelled, and two peremptory challenges if three or four alternate jurors are to be impaneled.

(2) Procedures.

(A) The [A] court may direct that not more than four jurors in addition to the regular panel be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. [ALTERNATE JURORS SHALL BE DRAWN IN THE SAME MANNER, SHALL HAVE THE SAME QUALIFICATIONS, SHALL BE SUBJECT TO THE SAME EXAMINATION AND CHALLENGES, SHALL TAKE THE SAME OATH, AND SHALL HAVE THE SAME FUNCTIONS, POWERS, FACILITIES AND PRIVILEGES AS THE REGULAR JURORS.] An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. [EACH SIDE IS ENTITLED TO 1 PEREMPTORY CHALLENGE IN ADDITION TO THOSE OTHERWISE ALLOWED BY LAW IF 1 OR 2 ALTERNATE JURORS ARE TO BE IMPANELLED, AND 2 PEREMPTORY CHALLENGES IF 3 OR 4 ALTERNATE JURORS ARE TO BE IMPANELED.] The additional peremptory challenges allowed by section (b)(1)(B) may be used against an alternate juror only, and the other peremptory challenges allowed by these rules may not be used against an alternate juror.

(B) The court may direct that one or two jurors be called and impaneled in addition to the number of jurors required by

law to comprise the jury. The court may excuse jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. If more than the required number are left on the jury when the jury is ready to retire, the clerk in open court shall select at random the names of a sufficient number of jurors to reduce the jury to the number required by law. The jurors selected for elimination shall be discharged after the jury retires to consider its verdict.

DATED: May 14, 1992

EFFECTIVE DATE: January 15, 1993

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore