

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

2

HOUSE BILL 244
Committee Substitute Favorable 3/27/07

Short Title: Civil Jury Selection/Equal Challenges.

(Public)

Sponsors:

Referred to:

February 19, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE EQUITY BETWEEN THE PARTIES WITH RESPECT TO
JUROR CHALLENGES IN CIVIL CASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 9-20 reads as rewritten:

"§ 9-20. Civil cases having several plaintiffs or several defendants; challenges apportioned; discretion of judge.

(a) When there are two or more defendants in a civil action, the presiding judge, if it appears that there are antagonistic interests between the defendants, may in ~~his~~the judge's discretion apportion among the defendants the challenges now allowed by law, or ~~he~~ the judge may increase the number of challenges to not exceeding six for each defendant or class of defendants representing the same ~~interest.~~ interest and not exceeding a total of 18 challenges. In either event, the same number of challenges shall be allowed each defendant or class of defendants representing the same interest. ~~The decision of the judge as to the nature of the interests and number of challenges shall be final.~~

(b) Whenever a judge exercises the discretion authorized by subsection (a) of this section to increase the number of challenges for each defendant or class of defendants, the judge shall increase the number of challenges for the plaintiff or plaintiffs so that the plaintiff or plaintiffs are provided with the same total number of challenges provided to all of the defendants. Failure to provide the plaintiff or plaintiffs with the same number of challenges as the defendants constitutes reversible error.

(c) When there are two or more plaintiffs in a civil action, the presiding judge, if it appears that there are antagonistic interests between the plaintiffs, may, in the judge's discretion, apportion among the plaintiffs the challenges now allowed by law, or the judge may increase the number of challenges to not exceeding six for each plaintiff or class of plaintiffs representing the same interest and not exceeding a total of 18 challenges. In either event, the same number of challenges shall be allowed each

1 plaintiff or class of plaintiffs representing the same interest. The decision of the judge as
2 to the nature of the interests and number of challenges shall be final.

3 (d) Whenever a judge exercises the discretion authorized by subsection (c) of this
4 section to increase the number of challenges for each plaintiff or class of plaintiffs, the
5 judge shall increase the number of challenges for the defendant or defendants so that the
6 defendant or defendants are provided with the same total number of challenges provided
7 to all of the plaintiffs. Failure to provide the defendant or defendants with the same
8 number of challenges as the plaintiffs constitutes reversible error.

9 (e) After the judge makes adjustments to the challenges allowed to the parties as
10 permitted or required by this section, the plaintiff or collective plaintiffs and the
11 defendant or collective defendants shall each possess the same total number of
12 challenges, up to a maximum of 18. In no event shall a judge award more than 18 total
13 challenges to a party or collective parties under the provisions of this section."

14 **SECTION 2.** This act becomes effective October 1, 2007, and applies to
15 actions called for trial on or after that date.