S T A T E O F N E W Y O R K

10376

I N A S S E M B L Y

May 24, 2012

Introduced by M. of A. SKARTADOS, WEINSTEIN -- Multi-Sponsored by -- M. of A. DINOWITZ, LAVINE, SIMOTAS, TITONE, ZEBROWSKI -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the discretionary retention of alternate jurors after final submission of the case

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 4106 of the civil practice law and rules, as amended by chapter 336 of the laws of 1972, is amended to read as follows:

S 4106. Alternate jurors. [Unless the court, in its discretion, orders otherwise, one] ONE or [two] MORE additional jurors, to be known as "alternate jurors", may be drawn upon the request of a party AND CONSENT OF THE COURT. Such ALTERNATE jurors shall be drawn at the same time, from the same source, in the same manner, and have the same qualifications as [the] regular jurors, and be subject to the same examinations and challenges. They shall be seated with, take the oath with, and be treated in the same manner as the regular jurors[, except that after]. AFTER final submission of the case, the court [shall discharge the] MAY, IN ITS DISCRETION, RETAIN SUCH alternate jurors[. If] TO ENSURE AVAILABILITY IF NEEDED. AT ANY TIME, before OR AFTER the final submission of the case, a regular juror dies, or becomes ill, or [for any other reason] is unable to perform [his duty] THE DUTIES OF A JUROR, the court may order [him to be] THAT JUROR discharged and draw the name of an alternate, OR RETAINED ALTERNATE, IF ANY, who shall replace the discharged juror [in the jury box,] and be treated as if [he] THAT JUROR had been selected as one of the regular jurors. ONCE DELIBERATIONS HAVE BEGUN, THE COURT MAY ALLOW AN ALTERNATE JUROR TO PARTICIPATE IN SUCH DELIBERATIONS ONLY IF A REGULAR JUROR BECOMES UNABLE TO PERFORM THE DUTIES OF A JUROR.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all actions commenced on or after such date and to all pending actions in which a jury has not yet been selected.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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