STATE OF NEW YORK

7799

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. RAJKUMAR -- (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 specifying which issues juries containing alternate jurors may deliberate on

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 204 of the laws of 2013, is amended to read as follows:

§ 4106. Alternate jurors. One or 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 juror or jurors shall be drawn at the same time, from the same source, in the same manner, and have the same qualifications as 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. After final submission of the case, the court may, in its discretion, retain such alternate juror or jurors to ensure availability if needed. At any time, before or after the final submission of the case, if a regular juror dies, or becomes ill, or is unable to perform the duties of a juror, the court may order that juror discharged and draw the name of an alternate, or retained alternate, if any, who shall replace the discharged juror, and be treated as if 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. **After an alternate juror has been substituted, the jury shall deliberate on all of the issues that were submitted to the jury at the outset of deliberations. Where the trial has been bifurcated, an alternate juror shall deliberate**

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

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on all issues submitted to the jury for deliberation from the outset of the second trial.

§ 2. This act shall take effect immediately and shall apply to all actions and proceedings pending on or after such effective date.