

STATE OF NEW YORK

9856

IN SENATE

June 6, 2024

Introduced by Sen. HOYLMAN-SIGAL -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil practice law and rules, in relation to alternate jurors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 4106 of the civil practice law and rules, as
2 amended by chapter 204 of the laws of 2013, is amended to read as
3 follows:

4 § 4106. Alternate jurors. One or more additional jurors, to be known
5 as "alternate jurors", may be drawn upon the request of a party and
6 consent of the court. Such alternate juror or jurors shall be drawn at
7 the same time, from the same source, in the same manner, and have the
8 same qualifications as regular jurors, and be subject to the same exam-
9 inations and challenges. They shall be seated with, take the oath with,
10 and be treated in the same manner as the regular jurors. After final
11 submission of the case, the court may, in its discretion, retain such
12 alternate juror or jurors to ensure availability if needed. At any time,
13 before or after the final submission of the case, if a regular juror
14 dies, or becomes ill, or is unable to perform the duties of a juror, the
15 court may order that juror discharged and draw the name of an alternate,
16 or retained alternate, if any, who shall replace the discharged juror,
17 and be treated as if that juror had been selected as one of the regular
18 jurors. Once deliberations have begun, the court may allow an alternate
19 juror to participate in such deliberations only if a regular juror
20 becomes unable to perform the duties of a juror. After an alternate
21 juror has been substituted, the jury shall deliberate anew on all of the
22 issues that were submitted to the jury at the outset of deliberations.
23 Where a jury has rendered the verdict on one or more issues, and an
24 alternate juror must be seated, the jury shall deliberate anew on all
25 issues that were not determined by such rendered verdict.

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

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

LBD11446-01-3