

1 SB197
2 182340-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 16-FEB-17

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8 SYNOPSIS: Under existing law, in all criminal and
9 civil cases in which a person is entitled to a
10 trial by jury, the jury is comprised of 12 persons.
11 Under existing law, the Constitution of Alabama of
12 1901, provides that the right to trial by jury
13 shall remain inviolate. The Alabama Supreme Court
14 has interpreted this provision of the constitution
15 to prohibit a general law authorizing a six person
16 jury in a civil case.

17 This bill would set the size of a jury at
18 six persons in all criminal cases involving only
19 misdemeanor charges. This bill would also set the
20 size of a jury at six persons in certain civil
21 cases in which an appeal would be to the Court of
22 Civil Appeals. This bill would provide for an
23 effective date contingent upon ratification of a
24 constitutional amendment authorizing the
25 Legislature to set by general law the size of
26 juries at six for criminal cases that involve only

1 misdemeanor charges and civil cases in which an
2 appeal would be to the Court of Civil Appeals.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To provide for the size of a jury in all criminal
9 cases involving only misdemeanor charges; to provide for the
10 size of a jury in civil cases in which an appeal would be to
11 the Court of Civil Appeals; and to provide for an effective
12 date contingent upon ratification of a constitutional
13 amendment authorizing the Legislature to set the size of
14 juries in those cases by general law.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. In all criminal cases involving only
17 misdemeanor charges in which the defendant requests a trial by
18 jury, the size of the jury shall be six persons.

19 Section 2. In civil cases in which there is a right
20 to trial by jury, the size of the jury shall be six persons in
21 all cases in which an appeal would be to the Court of Civil
22 Appeals.

23 Section 3. This act shall become effective
24 immediately following ratification of a constitutional
25 amendment authorizing the Legislature to set the size of
26 juries by general law.