

HOUSE BILL NO. 2421

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

4349H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 494.480 and 545.885, RSMo, and to enact in lieu thereof two new sections relating to peremptory challenges.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 494.480 and 545.885, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 494.480 and 545.885, to read as follows:

494.480. 1. In trials of civil causes each party shall be entitled to peremptorily challenge ~~[three jurors]~~ **one juror**. When there are multiple plaintiffs or defendants, all plaintiffs and all defendants shall join in their challenges as if there were one plaintiff and one defendant. ~~[The court in its discretion may allocate the allowable peremptory challenges among the parties plaintiff or defendant upon good cause shown and as the ends of justice require. In all cases, the plaintiff shall announce its challenges first.]~~

2. In all criminal cases, the state and the defendant shall **not** be entitled to ~~[a peremptory]~~ **peremptorily** challenge ~~[of jurors as follows:~~

(1) ~~If the offense charged is punishable by death, the state shall have the right to challenge nine and the defendant nine;~~

(2) ~~In all other cases punishable by imprisonment in the penitentiary, the state shall have the right to challenge six and the defendant six;~~

(3) ~~In all cases not punishable by death or imprisonment in the penitentiary, the state and the defendant shall each have the right to challenge two]~~ **any juror**.

~~[3. In all criminal cases where several defendants are tried together, the following provisions shall apply:~~

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 ~~(1) Each defendant then on trial shall be allowed separate peremptory challenges as~~
18 ~~provided in subsection 2 of this section;~~

19 ~~(2) The number of peremptory challenges allowed the state by subsection 2 of this~~
20 ~~section shall be multiplied by the number of defendants then on trial in each case.~~

21 ~~4. Within such time as may be ordered by the court, the state shall announce its~~
22 ~~peremptory challenges first and the defendants thereafter. The qualifications of a juror on the~~
23 ~~panel from which peremptory challenges by the defense are made shall not constitute a~~
24 ~~ground for the granting of a motion for new trial or the reversal of a conviction or sentence~~
25 ~~unless such juror served upon the jury at the defendant's trial and participated in the verdict~~
26 ~~rendered against the defendant.~~

27 ~~5. If the defendant pleads guilty to a lesser or included offense other than the offense~~
28 ~~charged in the information or indictment in return for a specific lesser sentence than such~~
29 ~~defendant would likely have received if such defendant were found guilty of the crime~~
30 ~~charged, or makes any other plea bargaining arrangement, at any time after the jury is~~
31 ~~impaneled such defendant shall be liable to the county for the costs associated with~~
32 ~~impaneling the jury.]~~

545.885. 1. Notwithstanding Missouri supreme court rule 24.07, whenever two or
2 more offenses are jointly charged in an indictment or information, the court shall order both
3 or all offenses to be tried together.

4 2. If it appears that a defendant or the state is substantially prejudiced by a joinder of
5 the offenses for trial, upon a written motion of the defendant or the state and upon a
6 particularized showing of substantial prejudice, the court may grant a severance of offenses or
7 provide whatever relief justice requires. For purposes of this section, "substantial prejudice"
8 shall mean a bias or discrimination against the defendant or the state which is actually
9 existing or real and not one which is merely imaginary, illusionary or nominal.

10 3. ~~[Each defendant tried jointly under this section shall be entitled to peremptory~~
11 ~~challenges as set out in section 494.480.~~

12 4.] The word "evidence", as used in this section, shall not be construed to include
13 evidence as to character or reputation.

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