

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2564

By: Key

AS INTRODUCED

An Act relating to jurors; amending 22 O.S. 1991, Sections 652, 658, 659, 660 and 662, which relate to challenges to individual jurors; providing that challenges shall occur only for cause; abolishing peremptory challenges; modifying definition of implied bias; clarifying language concerning implied bias; expanding reasons for not disqualifying juror for actual bias; repealing 22 O.S. 1991, Sections 654, 655, and 693, which relate to peremptory challenges; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 1991, Section 652, is amended to read as follows:

Section 652. A challenge to an individual juror is ~~either:~~
~~First, Peremptory; or,~~
~~Second, For~~ only for cause.

SECTION 2. AMENDATORY 22 O.S. 1991, Section 658, is amended to read as follows:

Section 658. General causes of challenges are:

1. A conviction for felony.

2. A want of any of the qualifications prescribed by law, to render a person a competent juror, including a want of knowledge of the English language as used in the courts.

3. Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as renders ~~him~~ the person incapable of performing the duties of a juror.

SECTION 3. AMENDATORY 22 O.S. 1991, Section 659, is amended to read as follows:

Section 659. Particular causes of challenge are of two kinds:

1. For ~~such a bias as when~~ inferred from the existence of any of the facts is ascertained, in judgment of law disqualifies the juror ~~conditions provided in Section 660 of this title,~~ and which is known in this ~~chapter~~ title as implied bias.

2. For the existence of a state of mind on the part of the juror, in reference to the case, or to either party, which satisfies the court, in the exercise of a sound discretion, that ~~he~~ the juror cannot try the issue impartially, without prejudice to the substantial rights of the party challenging, and which is known in this ~~chapter~~ title as actual bias.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 660, is amended to read as follows:

Section 660. A challenge for implied bias may be taken for all or any of the following cases, and for no other:

1. Consanguinity or affinity within the fourth degree, inclusive, to the person alleged to be injured by the offense charged or on whose complaint the prosecution was instituted, or to the defendant.

2. Standing in the relation of guardian and ward, attorney and client, employer and employee, master and servant, or landlord and tenant, or being a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose

complaint the prosecution was instituted, ~~or in his employment on wages.~~

3. Being a party adverse to the defendant in a civil action, or having complained against, or been accused by ~~him~~ the defendant in a criminal prosecution.

4. Having served on the grand jury which found the indictment, or on a coroner's jury which inquired into the death of a person whose death is the subject of the prosecution.

5. Having served on a trial jury which has tried another person for the offense charged in the indictment or information.

6. Having been one of the jury formerly sworn to try the indictment or information and whose verdict was set aside, or which was discharged without a verdict, after the cause was submitted to it.

7. Having served as a juror in a civil action brought against the defendant for the act charged as an offense.

8. If the offense charged ~~be~~ is punishable with death, the entertaining of such conscientious opinions as would preclude ~~his~~ the person finding the defendant guilty ~~of~~, in which case ~~he~~ the person shall neither be permitted nor compelled to serve as a juror.

SECTION 5. AMENDATORY 22 O.S. 1991, Section 662, is amended to read as follows:

Section 662. In a challenge for implied bias, one or more of the causes stated in ~~the second preceding section~~ Section 660 of this title must be alleged. In a challenge for actual bias, the cause stated in the second ~~subdivision of the third preceding section~~ paragraph of Section 659 of this title must be alleged; but no person shall be disqualified as a juror by reason of having formed or expressed an opinion upon the matter or cause to be submitted to such jury, founded upon rumor, statements in public journals, statements made by means of electronic broadcast media, information acquired by the use of a personal computer, or common

notoriety, provided it appears to the court, upon ~~his~~ declaration by
the person, under oath or otherwise, that ~~he~~ the person can and
will, notwithstanding such opinion, act impartially and fairly upon
the matters to be submitted to ~~him~~ the jury. The challenge may be
oral, but must be entered upon the minutes of the court.

SECTION 6. REPEALER 22 O.S. 1991, Sections 654, 655 and
693, are hereby repealed.

SECTION 7. This act shall become effective November 1, 1996.

45-2-8093 SD