

# SENATE, No. 1981

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 12, 2008

**Sponsored by:**  
**Senator JOHN H. ADLER**  
**District 6 (Camden)**

### **SYNOPSIS**

Provides that the New Jersey Supreme Court shall have the authority to administer juror challenges through its rulemaking process.

### **CURRENT VERSION OF TEXT**

As introduced.



S1981 ADLER

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1 AN ACT concerning peremptory challenges, amending N.J.S.2B:23-  
2 10 and repealing N.J.S.2B:23-13.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. N.J.S.2B:23-10 is amended to read as follows:

8 2B:23-10. Examination of jurors. a. In the discretion of the  
9 court, parties to any trial may question any person summoned as a  
10 juror after the name is drawn and before the swearing, and without  
11 the interposition of any challenge, to determine whether or not to  
12 interpose a peremptory challenge or a challenge for cause. Such  
13 examination shall be permitted in order to disclose whether or not  
14 the juror is qualified, impartial and without interest in the result of  
15 the action. The questioning shall be conducted in open court under  
16 the trial judge's supervision. The procedure for juror challenges,  
17 including the appropriate number of peremptory challenges, shall be  
18 established by the Rules of Court.

19 b. (Deleted by amendment, P.L.2007, c.204).

20 (cf: P.L. 2007, c.204, s.4)

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22 2. N.J.S.2B:23-13 is repealed.

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24 3. This act shall take effect immediately.

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STATEMENT

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29 This bill addresses the authority for the establishment and  
30 administration of peremptory challenges. A peremptory challenge  
31 is a challenge to a prospective juror which is exercised by a party in  
32 a civil case or criminal prosecution and which, unlike a challenge  
33 for cause, does not require a reason or an explanation. Currently,  
34 there are nearly identical authorizations for the exercise of  
35 peremptory challenges in both the New Jersey Statutes  
36 (N.J.S.A.2B:23-13) and New Jersey Rules of Court (R.1:8-3).  
37 Because the administration of peremptory and for cause challenges  
38 to jurors is primarily a procedural element of trial practice, this bill  
39 would eliminate the statutory authorization for peremptory  
40 challenges in favor of the administration of all juror challenges by  
41 the Supreme Court. Under the bill, the Supreme Court through its  
42 rulemaking powers would have the authority to establish and  
43 administer the procedures for juror challenges, both peremptory and  
44 for cause.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**