

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Everett**

# A Bill

**ACT 592 OF 1993**  
**SENATE BILL 538**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 16-32-202 AND § 16-32-203  
9 TO PERMIT THE SELECTION OF A SIX (6) PERSON JURY IN  
10 MISDEMEANOR CASES AND TO PRESCRIBE THE PROCEDURE FOR JURY  
11 SELECTION; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT TO PERMIT THE SELECTION OF A SIX (6) PERSON JURY  
15 IN MISDEMEANOR CASES AND TO PRESCRIBE THE PROCEDURE FOR  
16 JURY SELECTION."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code § 16-32-202 is hereby amended to read as  
21 follows:

22 "16-32-202. Selection, summons, and composition of trial generally.

23 (a) The jurors for the trial of criminal prosecutions shall be selected  
24 and summoned as provided by law. Juries shall be composed of twelve (12)  
25 jurors.

26 (b) However, cases other than felonies may be tried, in the discretion  
27 of the trial court judge, by a jury of six (6) jurors."

29 SECTION 2. Arkansas Code § 16-32-203 is hereby amended to read as  
30 follows:

31 "16-32-203. Selection for misdemeanor trial.

32 (a) The jury, for the trial of all prosecutions for misdemeanors, shall  
33 be selected in the following manner.

34 (b) Each party shall have three (3) peremptory challenges, which may be  
35 made orally.

36 (c) (1) For a twelve (12) person jury, if either party desires a panel

1 for a twelve (12) person jury, the court shall cause the names of twenty-four  
2 (24) competent jurors, written upon separate slips of paper, to be placed in a  
3 box to be kept for that purpose, from which the names of eighteen (18) shall  
4 be drawn and entered on a list in the order in which they were drawn, and  
5 numbered.

6 (2) Each party shall be furnished with a copy of the list, from  
7 which each may strike the names of three (3) jurors and return the list so  
8 struck to the judge, who shall strike from the original list the names so  
9 stricken from the copies, and the first twelve (12) names remaining on the  
10 original list shall constitute the jury.

11 (d) If the trial court decides on a six (6) person jury, the names of  
12 only twelve (12) persons shall be drawn and entered on a list in the order in  
13 which they were drawn, and numbered. Each party shall be furnished with a  
14 copy of the list, from which each may strike the names of three (3) jurors and  
15 return the list so struck to the judge, who shall strike from the original  
16 list the names so stricken from the copies, and the first six (6) names  
17 remaining on the original list shall constitute the jury."

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19 SECTION 3. All provisions of this act of general and permanent nature  
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 4. If any provisions of this act or the application thereof to  
24 any person or circumstance is held invalid, the invalidity shall not affect  
25 other provisions or applications of the act which can be given effect without  
26 the invalid provisions or application, and to this end the provisions of this  
27 act are declared to be severable.

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29 SECTION 5. All laws and parts of laws in conflict with this act are  
30 hereby repealed.

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APPROVED: 03/19/93