

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 711  
SENATE BILL 654

AN ACT RELATED TO THE PROCEDURE FOR THE SELECTION OF ALTERNATE  
JURORS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 15A-1215 captioned "Alternate Jurors" is amended by inserting before the present section the letter "(a)" and by adding a second subsection as follows:

"(b) In all criminal actions in which one or more defendants is to be tried for a capital offense, or enter a plea of guilty to a capital offense, the presiding judge shall provide for the selection of at least two alternate jurors, or more as he deems appropriate. The alternate jurors shall be retained during the deliberations of the jury on the issue of guilt or innocence under such restrictions, regulations and instructions as the presiding judge shall direct. In case of sequestration of a jury during deliberations in a capital case, alternates shall be sequestered in the same manner as is the trial jury, but such alternates shall also be sequestered from the trial jury. In no event shall more than 12 jurors participate in the jury's deliberations."

**Sec. 2.** G.S. 9-18 captioned "Alternate Jurors" is rewritten to read as follows:

"§ 9-18. **Alternate jurors.** — (a) Civil cases. Whenever the presiding judge deems it appropriate, one or more alternate jurors may be selected in the same manner as the regular trial panel of jurors in the case. Each party shall be entitled to two peremptory challenges as to each such alternate juror, in addition to any unexpended challenges the party may have after the selection of the regular trial panel. Alternate jurors shall be sworn and seated near the jury with equal opportunity to see and hear the proceedings and shall attend the trial at all times with the jury and shall obey all orders and admonitions of the court to the jury. When the jurors are ordered kept together in any case, the alternate jurors shall be kept with them. An alternate juror shall receive the same compensation as other jurors and, except as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If before that time any juror dies, becomes incapacitated or disqualified, or is discharged for any reason, an alternate juror shall become a part of the jury and serve in all respects as those selected on the regular trial panel. If more than one alternate juror has been selected, they shall be available to become a part of the jury in the order in which they were selected.

(b) Criminal cases. Procedures relating to alternate jurors in criminal cases are governed by Article 72, Selecting and Impanelling the Jury, of Chapter 15A of the General Statutes."

**Sec. 3.** This act shall become effective October 1, 1979.

In the General Assembly read three times and ratified, this the 30th day of May, 1979.