

JURY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends jury composition.

Highlighted Provisions:

This bill:

- ▶ increases the number of jurors in a criminal case in which the most serious offense charged is a noncapital first degree felony;
- ▶ clarifies the number of jurors in other criminal cases; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-1-104, as renumbered and amended by Laws of Utah 2008, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-1-104** is amended to read:

78B-1-104. Jury composition.

(1) A trial jury consists of:



28 ~~[(a) 12 persons in a capital case;]~~

29 ~~[(b) eight persons in a noncapital first degree felony aggravated murder or other~~
30 ~~criminal case which carries a term of incarceration of more than one year as a possible sentence~~
31 ~~for the most serious offense charged;]~~

32 ~~[(c) six persons in a criminal case which carries a term of incarceration of more than~~
33 ~~six months but not more than one year as a possible sentence for the most serious offense~~
34 ~~charged;]~~

35 ~~[(d) four persons in a criminal case which carries a term of incarceration of six months~~
36 ~~or less as a possible sentence for the most serious offense charged; and]~~

37 (a) 12 individuals in a criminal case in which the most serious offense charged is a
38 capital felony;

39 (b) 10 individuals in a criminal case in which the most serious offense charged is a
40 noncapital first degree felony;

41 (c) eight individuals in a criminal case in which the most serious offense charged is a
42 second or third degree felony;

43 (d) six individuals in a criminal case in which the most serious offense charged is a
44 class A misdemeanor;

45 (e) four individuals in a criminal case in which the most serious offense charged is a
46 class B or class C misdemeanor;

47 ~~[(e)]~~ (f) [eight persons] except as provided in Subsection (1)(g), eight individuals in a
48 civil case at law [except that the jury shall be four persons]; and

49 (g) four individuals in a civil case for damages of less than \$20,000, exclusive of costs,
50 interest, and attorney fees.

51 (2) Except in the trial of a capital felony, the parties may stipulate upon the record to a
52 jury of a lesser number than established by this section.

53 (3) (a) The verdict in a criminal case shall be unanimous.

54 (b) The verdict in a civil case shall be by not less than three-fourths of the jurors.

55 (4) There is no jury in the trial of small claims cases.

56 (5) There is no jury in the adjudication of a minor ~~[charged with what would constitute~~
57 ~~a crime if committed by an adult]~~ under Title 80, Chapter 6, Juvenile Justice.

58 Section 2. **Effective date.**

59

This bill takes effect on May 1, 2024.