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I.C.R. 24. Trial Jurors

Idaho Criminal Rule 24. Trial Jurors

(a) Opening Statements to the Entire Jury Panel. The parties may, with the court's consent, present brief opening statements to the entire jury panel, prior to voir dire. On its own motion, the court may require counsel to do so. Following these statements, if any, the court must conduct a thorough examination of prospective jurors.

(b) Examination. Voir dire examination of the prospective jurors drawn from the jury panel must first be conducted by the court. The prosecuting attorney, and then the attorneys for each defendant, must be permitted to ask about the qualifications of members of the panel to sit as jurors in the action. The voir dire examination is under the supervision of the court and subject to such limitations as the court may order. The court must disallow any question asked by an attorney that is not directly relevant to the qualifications of the juror, or is not reasonably calculated to discover the possible existence of a ground for challenge, or has been previously answered. Unless otherwise stipulated in the record by all parties to the action, the entire voir dire examination of all prospective jurors and the court's rulings on all challenges must be reported verbatim.

(c) Challenges for Cause. Challenges for cause may be made by an attorney

- (1) at any time while questioning a prospective juror,
- (2) at the conclusion of all questions to an individual prospective juror, or to the panel as a whole, or
- (3) at a later time as permitted by the court on a showing of good cause.

Challenges for cause, as provided by law, must be tried by the court. The challenged juror, and any other person, may be examined as a witness on the trial of the challenge. Whenever a juror is excused by the court in sustaining a challenge for cause, the clerk must immediately draw another name from the jury panel to fill the vacancy. There is no limit on the number of challenges that may be made for cause by any party, and it is not necessary for any co-parties to join in making a challenge for cause.

(d) Peremptory Challenges. If the offense charged is punishable by death, or life imprisonment, each party, regardless of the number of defendants, is entitled to 10 peremptory challenges. In all other



felony cases each party, regardless of the number of defendants, is entitled to six peremptory challenges and in all misdemeanor cases each party, regardless of the number of defendants, is entitled to four peremptory challenges. If there are codefendants and the court determines that there is a conflict of interest between or among them, or if there are alternate jurors, the court may allow any or all of the parties additional peremptory challenges, and permit them to be exercised separately or jointly. Any party who waives a peremptory challenge will be deemed to have waived only that particular peremptory challenge and may exercise any of that party's remaining challenges as to any juror. If all parties consecutively waive their peremptory challenge, the trial jury will be deemed accepted by the parties and any remaining peremptory challenges are waived.

(e) Additional Jurors.

(1) *Selection.* The court may direct that one or more jurors in addition to the regular panel be called and impaneled to sit as jurors. All jurors must:

- (A) be drawn in the same manner,
- (B) have the same qualifications,
- (C) be subject to the same examination and challenges,
- (D) take the same oath, and
- (E) have the same functions, powers, facilities and privileges prior to deliberations.

If more than one additional juror is called, each party is entitled to two peremptory challenges in addition to those otherwise allowed by law; but if only one additional juror is called, each party is entitled to one peremptory challenge in addition to those otherwise provided by law.

(2) *Disability of Juror.* If a juror is unable to perform or disqualified from performing jury duty, or requests to be discharged and shows good cause, the court may order the juror to be discharged and draw the name of an alternate juror who must then take the discharged juror's place in the jury box. An Alternate juror is subject to the same rules and regulations as though the juror had been selected as one of the jurors.



(3) *Jurors Removed by Lot.* At the conclusion of closing arguments, jurors exceeding the number required of a regular panel must be removed by lot. Those removed by lot may be discharged after the jury retires to consider its verdict, unless the court otherwise directs. If the jury is sequestered and the court determines that jurors removed by lot must be available to replace any jurors excused during deliberations, the bailiff, sheriff or other person appointed by the court must take custody of the removed jurors until discharged by the court. If the jury has not been sequestered, then the jurors removed by lot may be released by the court with appropriate instructions. If a juror is removed, the court must draw the name of an alternate juror who must then take the discharged juror's place. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew.

(f) Use of a Struck Jury. The court may cause a panel of jurors to be questioned and passed for cause in a number equal to the number of jurors and alternates required for the final jury and an additional number equal to the number of peremptory challenges of the parties. Prospective jurors when chosen must be seated in a manner so as to be numbered with the lower numbered jurors constituting the initial panel and alternate jurors, and the subsequent numbered jurors becoming the replacement jurors if any of the jurors of the original panel are removed by a peremptory challenge.

(Adopted February 22, 2017, effective July 1, 2017.)

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