

Sec. 16-5. Peremptory Challenges

(a) Each party may challenge peremptorily the number of jurors which each is entitled to challenge by law. Where the judicial authority determines a unity of interests exists, several plaintiffs or several defendants may be considered as a single party for the purpose of making challenges, or the judicial authority may allow additional peremptory challenges and permit them to be exercised separately or jointly. For the purposes of this section, a “unity of interest” means that the interests of the several plaintiffs or the several defendants are substantially similar. A unity of interest shall be found to exist among parties who are represented by the same attorney or law firm. In addition, there shall be a presumption that a unity of interest exists among parties where no cross claims or apportionment complaints have been filed against one another. In all civil actions, the total number of peremptory challenges allowed to the plaintiff or plaintiffs shall not exceed twice the number of peremptory challenges allowed to the defendant or defendants, and the total number of peremptory challenges allowed to the defendant or defendants shall not exceed twice the number of peremptory challenges allowed to the plaintiff or plaintiffs.

(b) Pursuant to the provisions of Section 5-12, a party or the court on its own may object to the use of a peremptory challenge to raise a claim of improper bias.

COMMENTARY: The purpose of this amendment is to include a reference to the procedure to object to peremptory challenges under Section 5-12, to eliminate the unfair exclusion of potential jurors based upon race or ethnicity.

Sec. 42-13. —Peremptory Challenges

(a) The prosecuting authority and the defendant may challenge peremptorily the number of jurors which each is entitled to challenge by law.

(b) Pursuant to the provisions of Section 5-12, a party or the court on its own may object to the use of a peremptory challenge to raise a claim of improper bias.

COMMENTARY: The purpose of this amendment is to include a reference to the procedure to object to peremptory challenges under Section 5-12, to eliminate the unfair exclusion of potential jurors based upon race or ethnicity.