

LAWS OF ARIZONA

CHAPTER 94

Senate Bill 1131

AN ACT

RELATING TO JURIES; PRESCRIBING SIZE OF JURIES, DEGREE OF UNANIMITY REQUIRED AND WAIVER; REPEALING SECTIONS 21-102 AND 21-103, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 21-102, AND PROVIDING FOR CONDITIONAL ENACTMENT.

Be it enacted by the Legislature of the State of Arizona:

Section 1. **Repeal**

Sections 21-102 and 21-103, Arizona Revised Statutes, are repealed.

Section 2. Title 21, chapter 1, article 1, Arizona Revised Statutes, is amended by adding a new section 21-102, to read:

21-102. **Juries; size; degree of unanimity required; waiver**

A. A JURY FOR TRIAL OF A CRIMINAL CASE IN WHICH A SENTENCE OF DEATH OR IMPRISONMENT FOR THIRTY YEARS OR MORE IS AUTHORIZED BY LAW SHALL CONSIST OF TWELVE PERSONS, AND THE CONCURRENCE OF ALL SHALL BE NECESSARY TO RENDER A VERDICT.

B. A JURY FOR TRIAL IN ANY COURT OF RECORD OF ANY OTHER CRIMINAL CASE SHALL CONSIST OF EIGHT PERSONS, AND THE CONCURRENCE OF ALL SHALL BE NECESSARY TO RENDER A VERDICT.

C. A JURY FOR TRIAL IN ANY COURT OF RECORD OF A CIVIL CASE SHALL CONSIST OF EIGHT PERSONS, AND THE CONCURRENCE OF ALL BUT TWO SHALL BE NECESSARY TO RENDER A VERDICT.

LAWS OF ARIZONA

D. IN A COURT NOT OF RECORD, A JURY FOR TRIAL OF ANY CASE SHALL CONSIST OF SIX PERSONS. THE CONCURRENCE OF ALL IN A CRIMINAL CASE AND ALL BUT ONE IN A CIVIL CASE SHALL BE NECESSARY TO RENDER A VERDICT.

E. THE PARTIES IN A CIVIL CASE, AND THE PARTIES WITH THE CONSENT OF THE COURT IN A CRIMINAL CASE, MAY WAIVE TRIAL BY JURY, OR AT ANY TIME BEFORE A VERDICT IS RETURNED CONSENT TO TRY THE CASE WITH OR RECEIVE A VERDICT CONCURRED IN BY A LESSER NUMBER OF JURORS THAN THAT SPECIFIED ABOVE.

Sec. 3. Conditional enactment

This act shall not become effective until such time as the constitution of Arizona is amended by vote of the people to provide that the number of jurors required for a trial be specified by law. IT SHALL GOVERN ALL TRIALS COMMENCING AFTER THAT DATE.

Approved by the Governor - May 4, 1972

Filed in the Office of the Secretary of State - May 4, 1972