

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 775, 751 & 640, Page 2, Section 491.015, Line 31, by inserting after all of said
3 section and line the following:
4

5 "494.480. 1. In trials of civil causes each party shall be entitled to peremptorily challenge
6 ~~[three jurors]~~ one juror. When there are multiple plaintiffs or defendants, all plaintiffs and all
7 defendants shall join in their challenges as if there were one plaintiff and one defendant. ~~[The court~~
8 ~~in its discretion may allocate the allowable peremptory challenges among the parties plaintiff or~~
9 ~~defendant upon good cause shown and as the ends of justice require. In all cases, the plaintiff shall~~
10 ~~announce its challenges first.]~~

11 2. In all criminal cases, the state and the defendant shall not be entitled to ~~[a peremptory]~~
12 peremptorily challenge [of jurors as follows:

13 (1) ~~If the offense charged is punishable by death, the state shall have the right to challenge~~
14 ~~nine and the defendant nine;~~

15 (2) ~~In all other cases punishable by imprisonment in the penitentiary, the state shall have the~~
16 ~~right to challenge six and the defendant six;~~

17 (3) ~~In all cases not punishable by death or imprisonment in the penitentiary, the state and the~~
18 ~~defendant shall each have the right to challenge two] any juror.~~

19 ~~[3. In all criminal cases where several defendants are tried together, the following provisions~~
20 ~~shall apply:~~

21 (1) ~~Each defendant then on trial shall be allowed separate peremptory challenges as provided~~
22 ~~in subsection 2 of this section;~~

23 (2) ~~The number of peremptory challenges allowed the state by subsection 2 of this section~~
24 ~~shall be multiplied by the number of defendants then on trial in each case.~~

25 4. ~~Within such time as may be ordered by the court, the state shall announce its peremptory~~
26 ~~challenges first and the defendants thereafter. The qualifications of a juror on the panel from which~~
27 ~~peremptory challenges by the defense are made shall not constitute a ground for the granting of a~~
28 ~~motion for new trial or the reversal of a conviction or sentence unless such juror served upon the~~
29 ~~jury at the defendant's trial and participated in the verdict rendered against the defendant.~~

30 5. ~~If the defendant pleads guilty to a lesser or included offense other than the offense charged in the~~

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1 ~~information or indictment in return for a specific lesser sentence than such defendant would likely~~
2 ~~have received if such defendant were found guilty of the crime charged, or makes any other plea~~
3 ~~bargaining arrangement, at any time after the jury is impaneled such defendant shall be liable to the~~
4 ~~county for the costs associated with impaneling the jury.]~~

5 545.885. 1. Notwithstanding Missouri supreme court rule 24.07, whenever two or more
6 offenses are jointly charged in an indictment or information, the court shall order both or all offenses
7 to be tried together.

8 2. If it appears that a defendant or the state is substantially prejudiced by a joinder of the
9 offenses for trial, upon a written motion of the defendant or the state and upon a particularized
10 showing of substantial prejudice, the court may grant a severance of offenses or provide whatever
11 relief justice requires. For purposes of this section, "substantial prejudice" shall mean a bias or
12 discrimination against the defendant or the state which is actually existing or real and not one which
13 is merely imaginary, illusionary or nominal.

14 3. ~~[Each defendant tried jointly under this section shall be entitled to peremptory challenges~~
15 ~~as set out in section 494.480.~~

16 4.] The word "evidence", as used in this section, shall not be construed to include evidence
17 as to character or reputation."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.