

## New Jersey Statutes Relating to Jury

### TITLE 2B – COURT ORGANIZATION AND CIVIL CODE OF NEW JERSEY

<b>CHAPTER 20</b>	1
2B:20-1. Qualifications of jurors	1
2B:20-2. Preparation of juror source list	1
2B:20-3. Questionnaires concerning qualifications	1
2B:20-4. Public and random selection of jurors	1
2B:20-5. Certification, filing and posting of juror lists	2
2B:20-6. Designation of period of service for petit jury panels	2
2B:20-7. Summoning of jurors	2
2B:20-8. Form and service of summons	2
2B:20-9. Excuses and deferrals by Assignment Judge	2
2B:20-10. Grounds for excuse from jury service	2
2B:20-11. Deferral of jury service	3
2B:20-12. Retention of records	3
2B:20-13. Discharge of unneeded jurors	3
2B:20-14. Failure to respond to questionnaire or summons	4
2B:20-15. Notice and collection of fines	4
2B:20-16. Excuse from employment for jury duty; compensation	4
2B:20-17. Employment protection	4
2B:20-18. Oath of allegiance	4
<b>CHAPTER 21 - Grand Juries</b>	4
2B:21-1. Number of grand juries	4
2B:21-2. Impaneling grand jury	5
2B:21-3. Oath of grand jurors	5
2B:21-4. Vacancies in grand jury	5
2B:21-5. Selection of foreperson and deputy foreperson	5
2B:21-6. Swearing of witnesses by foreperson	5
2B:21-7. Indictment	5
2B:21-8. Record of proceedings	5
2B:21-9. Statement of investigation	6
2B:21-10. Unauthorized disclosure of grand jury proceedings	6
<b>CHAPTER 22 - State Grand Jury</b>	6
2B:22-1. Impaneling State grand jury	6
2B:22-2. Powers and duties of State grand jury	6
2B:22-3. Selection of State grand jurors	6
2B:22-4. Summoning of State grand jurors	7
2B:22-5. Judicial supervision of State grand jury	7
2B:22-6. Presentation of evidence to State grand jury	7
2B:22-7. Return of indictment or presentment	7
2B:22-8. Expenses of State grand jury	7
2B:22-9. Instruction to grand jury; use of force by law enforcement officer	7
<b>CHAPTER 23 - Petit Juries</b>	8
2B:23-1. Number of jurors	8
2B:23-2. Selection of trial jury from panel	8
2B:23-3. Impaneling of additional jurors	9
2B:23-4. Names of selected trial jurors	9
2B:23-5. Names of jurors drawn for trial jury replace in pool	9
2B:23-6. Oath of jurors	9
2B:23-7. Oath of officer attending jury	9
2B:23-8. Jurors to serve beyond period for which drawn until completion of trial	9

---

2B:23-9. Juries drawn from other counties .....	9
2B:23-10. Examination of jurors.....	9
2B:23-11. Challenge to qualifications of jurors.....	10
2B:23-12. Interest in action by or against county or municipality .....	10
2B:23-13. Peremptory challenges.....	10
2B:23-14. Trial of challenges to jurors .....	10
2B:23-15. Time for making challenges.....	10
2B:23-16. Jury of view .....	10
2B:23-17. Verdict by five-sixths of the jury.....	11
2B:23-18. Disagreement of jurors .....	11
<b>Title 22A - Juror Fees .....</b>	<b>11</b>
22A:1-1.1. Jurors; payment for attendance; method of payment .....	11
<b>Title 38A -- Military and Veterans Law   Subtitle 1. Armed Forces</b>	
<b>CHAPTER 4 - Organized Militia.....</b>	<b>11</b>
38A:4-6. (2010) Exemption from jury duty .....	11

---

## **TITLE 2B – COURT ORGANIZATION AND CIVIL CODE OF NEW JERSEY**

### **CHAPTER 20**

#### **2B:20-1. Qualifications of jurors**

Every person summoned as a juror:

- a. shall be 18 years of age or older;
- b. shall be able to read and understand the English language;
- c. shall be a citizen of the United States;
- d. shall be a resident of the county in which the person is summoned;
- e. shall not have been convicted of any indictable offense under the laws of this State, another state, or the United States;
- f. shall not have any mental or physical disability which will prevent the person from properly serving as a juror.

#### **2B:20-2. Preparation of juror source list**

- a. The names of persons eligible for jury service shall be selected from a single juror source list of county residents whose names and addresses shall be obtained from a merger of the following lists: registered voters, licensed drivers, filers of state gross income tax returns and filers of homestead rebate application forms. The county election board, the Division of Motor Vehicles and the State Division of Taxation shall provide these lists annually to the Assignment Judge of the county. The Assignment Judge may provide for the merger of additional lists of persons eligible for jury service that may contribute to the breadth of the juror source list. Merger of the lists of eligible jurors into a single juror source list shall include a reasonable attempt to eliminate duplication of names.
- b. The juror source list shall be compiled once a year or more often as directed by the Assignment Judge.
- c. The juror source list may be expanded by the Supreme Court as it deems appropriate.

#### **2B:20-3. Questionnaires concerning qualifications**

- a. The Assignment Judge may direct that questionnaires be sent to potential jurors, requesting that they provide pertinent information concerning their qualifications for jury service, and any claims for exemption or deferral.
- b. Questionnaires may be sent to all persons on the juror source list, or to persons randomly selected from the juror source list, either before or with the service of a summons for jury service.

#### **2B:20-4. Public and random selection of jurors**

- a. Before each session of the Superior Court, the Assignment Judge shall provide for the drawing of names from the juror source list of persons to be summoned for service as grand and petit jurors.
  - b. The Assignment Judge shall specify the number of panels of grand and petit jurors to be drawn, the number of names to be drawn for each panel and the form and manner of preparation of the lists of names drawn. The lists shall state the name and address and, if available, occupation of each juror to be summoned.
  - c. The Assignment Judge shall provide for the selection of additional panels of grand and petit jurors from the juror source list at any time when it appears that additional panels of jurors will be required.
-

d. Both the drawing of names and the assignment of selected names to panels shall be public and random.

e. The Assignment Judge may provide for the random selection of jurors, and their assignment to panels, by the use of electronic devices, if:

(1) the method of random selection is specified with particularity in the instructions of the assignment judge; and

(2) the specification of the method and any programs and procedures used to implement the method, including any computer programs which are utilized, are available for public inspection upon request.

#### **2B:20-5. Certification, filing and posting of juror lists**

The list of names randomly selected from the juror source list shall be filed and publicly posted in the office of the County Clerk. The Assignment Judge shall certify on the list that the process specified for the selection of jurors and their assignment to panels has been followed.

#### **2B:20-6. Designation of period of service for petit jury panels**

a. The Assignment Judge shall designate the period of service of each panel of jurors selected from the juror source list.

b. A panel of jurors may be designated to serve during a portion of the then current session of the Superior Court, or during a portion of the next session of the Superior Court.

#### **2B:20-7. Summoning of jurors**

a. Upon receipt of a list of persons selected to serve on a panel of jurors, the sheriff shall, under the direction of the Assignment Judge, cause the persons to be summoned.

b. The sheriff shall make a return to the Assignment Judge of all of the jurors summoned.

#### **2B:20-8. Form and service of summons**

a. The summons for jury service shall be by written notice and shall state the date, time and place where the juror is to appear for service.

b. The summons shall be served at least 30 days prior to the date upon which the juror is to appear, by regular mail addressed to the juror's usual residence or business address unless service at another address is ordered by the Assignment Judge. Service of the summons shall be complete upon mailing.

c. If a sufficient number of jurors is unavailable due to a successful challenge or other unanticipated occurrence and new panels of jurors must be selected from the juror source list, the Assignment Judge may direct that the summons be served less than 30 days prior to the date upon which the jurors are to appear.

#### **2B:20-9. Excuses and deferrals by Assignment Judge**

a. A person may be excused from jury service or may have jury service deferred only by the Assignment Judge of the county in which the person was summoned, or by the Assignment Judge's designee.

b. The Assignment Judge may require verification of any of the facts supporting the grounds for a request for excuse or deferral. Records shall be kept of all requests for excuses and deferrals, and of the granting of excuses and deferrals.

#### **2B:20-10. Grounds for excuse from jury service**

An excuse from jury service shall be granted only if:

a. The prospective juror is 75 years of age or older;

b. The prospective juror has served as a juror within the last three years in the county to which the juror is being summoned;

c. Jury service will impose a severe hardship due to circumstances which are not likely to change within the following year. Severe hardship includes the following circumstances:

(1) The prospective juror has a medical inability to serve which is verified by a licensed physician.

(2) The prospective juror will suffer a severe financial hardship which will compromise the juror's ability to support himself, herself, or dependents. In determining whether to excuse the prospective juror, the Assignment Judge shall consider:

(a) the sources of the prospective juror's household income; and

(b) the availability and extent of income reimbursement; and

(c) the expected length of service.

(3) The prospective juror has a personal obligation to care for another, including a sick, aged or infirm dependent or a minor child, who requires the prospective juror's personal care and attention, and no alternative care is available without severe financial hardship on the prospective juror or the person requiring care.

(4) The prospective juror provides highly specialized technical health care services for which replacement cannot reasonably be obtained.

(5) The prospective juror is a health care worker directly involved in the care of a mentally or physically handicapped person, and the prospective juror's continued presence is essential to the regular and personal treatment of that person.

(6) The prospective juror is a member of the full-time instructional staff of a grammar school or high school, the scheduled jury service is during the school term, and a replacement cannot reasonably be obtained. In determining whether to excuse the prospective juror or grant a deferral of service, the Assignment Judge shall consider:

(a) the impact on the school considering the number and function of teachers called for jury service during the current academic year; and

(b) the special role of certified special education teachers in providing continuity of instruction to handicapped students; or

d. The prospective juror is a member of a volunteer fire department or fire patrol; or

e. The prospective juror is a volunteer member of a first aid or rescue squad.

#### **2B:20-11. Deferral of jury service**

Upon a request for deferral of jury service or upon the denial of a request for an excuse from jury service, the Assignment Judge may direct that the jury service of a prospective juror be deferred to another time within the next twelve months.

#### **2B:20-12. Retention of records**

All records concerning the granting of excuses from and deferrals of jury service, and all juror questionnaires, shall be retained for a period of three years. All other records relating to the summoning, impaneling and charging of jurors shall be retained for five years.

#### **2B:20-13. Discharge of unneeded jurors**

If the number of jurors in attendance is greater than is necessary for the business of the court, the Assignment Judge may discharge the unneeded jurors before the expiration of the period for which they

---

were summoned. The jurors discharged shall be selected randomly.

**2B:20-14. Failure to respond to questionnaire or summons**

- a. Persons who are sent questionnaires concerning their qualifications for jury service who fail to respond to the questionnaire without reasonable excuse shall be liable for a fine not to exceed \$500, payable to the county from which the questionnaire was sent, or may be punished for contempt of court.
- b. Persons summoned as jurors who, without reasonable excuse, either fail to appear for jury service or refuse to serve, shall be liable for a fine not to exceed \$500, payable to the county in which the person was summoned, or may be punished for contempt of court.

**2B:20-15. Notice and collection of fines**

- a. The Assignment Judge may direct the sheriff to send written notice to a person who has failed to respond to a questionnaire concerning jury service, or who has failed to appear for jury service or has refused to serve, that a fine has been imposed. The notice shall state the amount of the fine, the manner of payment to be made to the sheriff, and the consequences of failure to pay the fine within 30 days of the date specified in the notice. The notice shall be served in the same manner as a summons.
- b. If a defaulting juror fails to pay the fine in response to the notice, the Assignment Judge may issue process directing the sheriff to recover the fine and costs by levy on the defaulting juror's personal property.

**2B:20-16. Excuse from employment for jury duty; compensation.**

Any person employed full-time by any agency, independent authority, instrumentality or entity of the State or of any political subdivision of the State shall be excused from employment at all times the person is required to be present for jury service in any court of this State, any court of another state, or any federal district court or in the United States District Court for New Jersey, and shall be entitled to receive from the employer the person's usual compensation for each day the person is present for jury service in lieu of any payment for juror service as provided in P.L.1993, c. 275 (C.22A:1-1.1).

**2B:20-17. Employment protection**

- a. An employer shall not penalize an employee with respect to employment, or threaten or otherwise coerce an employee with respect to that employment, because the employee is required to attend court for jury service.
- b. An employer who violates subsection a. of this section is guilty of a disorderly persons offense.
- c. If an employer penalizes an employee in violation of subsection a. of this section, the employee may bring a civil action for economic damages suffered as a result of the violation and for an order requiring the reinstatement of the employee. The action shall be commenced within 90 days from the date of the violation or the completion of jury service, whichever is later. If the employee prevails, the employee shall be entitled to a reasonable attorney's fee fixed by the court.

**2B:20-18. Oath of allegiance**

The following oath shall be administered to every person summoned for service as a juror who is not excused from service, before beginning service upon the panel:

"Do you swear or affirm that you will support the Constitution of the United States and the Constitution of this State?"

**CHAPTER 21 - Grand Juries**

**2B:21-1. Number of grand juries**

The Assignment Judge for each county shall impanel one or more grand juries for that county, as the public interest requires. There shall be at least one grand jury serving in each county at all times.

---

### **2B:21-2. Impaneling grand jury**

- a. A grand jury shall consist of not more than 23 persons selected from the panel of jurors summoned for service as grand jurors. The grand jurors shall be selected publicly and randomly, in the same manner as is provided by statute for the impaneling of petit jurors.
- b. The Assignment Judge, or a Superior Court judge designated by the Assignment Judge, shall conduct the voir dire of members of the grand jury panel and shall decide all requests for excuse or deferral of service on the grand jury.
- c. The Assignment Judge, or a Superior Court judge designated by the Assignment Judge, shall excuse any person from service on the grand jury if the person is a federal, State or local government police officer or prosecutor.
- d. The prosecutor may object to the selection of any person as a grand juror on the basis of the person's inability to be impartial or on the grounds that the person does not meet the qualifications specified in N.J.S.A. 2B:20-1. The objections by the prosecutor shall be made on the record and shall be decided by the Assignment Judge.

### **2B:21-3. Oath of grand jurors**

The following oath shall be administered to all of the members of the grand jury:

"Do you as a member of this grand jury of the State of New Jersey and county of (county) swear or affirm that you will support the Constitution of the United States and the Constitution of this State; that you will diligently inquire into all matters brought before you to the best of your skill, knowledge and understanding; that you will take no action through envy, hatred or malice nor for fear, favor or affection, or for reward or the hope of reward; that you will make a true presentment of all matters coming before you, and that you will keep secret the proceedings of the grand jury?"

### **2B:21-4. Vacancies in grand jury**

A grand juror who becomes ill, dies or does not appear for service after having been sworn may be replaced at the direction of the Assignment Judge. The replacement grand juror shall be selected publicly and randomly and shall be sworn in the same manner as the grand juror being replaced.

### **2B:21-5. Selection of foreperson and deputy foreperson**

The foreperson and the deputy foreperson of each grand jury shall be selected publicly and randomly from the persons impanelled as members of the grand jury. A person selected as the foreperson or deputy foreperson may freely decline to serve in the position, in which case another person shall be selected publicly and randomly to serve.

### **2B:21-6. Swearing of witnesses by foreperson**

- a. The foreperson of the grand jury shall administer the following oath to witnesses who give evidence before the grand jury:  
"Do you swear or affirm that you will tell the truth, the whole truth, and nothing but the truth?"
- b. The foreperson shall, before being discharged, certify to the court the names of the witnesses who have been sworn.

### **2B:21-7. Indictment**

An indictment may be found only upon concurrence of 12 or more grand jurors who either were present during, or who have read or listened to the record of, all of the proceedings concerning the indictment and who have examined all exhibits presented with respect to the indictment.

### **2B:21-8. Record of proceedings**

The testimony of witnesses, comments by the prosecuting attorney, and colloquy between the prosecuting attorney and witnesses or members of the grand jury shall be recorded stenographically or electronically.

---

### **2B:21-9. Statement of investigation**

a. A person who has been investigated by a grand jury and against whom no indictment has been returned, may request the grand jury to issue a statement indicating that a charge against the person was investigated and that the grand jury did not return an indictment from the evidence presented. The grand jury shall issue the statement upon the approval of the court which summoned the grand jury. The statement shall issue upon the completion of the investigation of the charge, but not beyond the end of the grand jury's term.

b. A person who has been called to appear before a grand jury for a purpose other than the investigation of a charge against the person, may request the grand jury to issue a statement indicating that the person was called only as a witness in an investigation, and that the investigation did not involve a charge against the person. The grand jury shall issue the statement upon the approval of the court which summoned the grand jury. The statement shall issue upon the completion of the investigation of the charge or a series of related charges, but not beyond the end of the grand jury's term.

### **2B:21-10. Unauthorized disclosure of grand jury proceedings**

a. Any person who, with the intent to injure another, purposely discloses any information concerning the proceedings of a grand jury, other than as authorized or required by law, commits a crime of the fourth degree. A public officer or employee who is convicted of a violation of this section shall be dismissed from public office or employment.

b. A person injured as a result of a violation of subsection a. of this section may bring a civil action against the person convicted of the violation. The person convicted shall be liable to the person injured for actual damages, punitive damages of not less than \$1,000.00 or more than \$100,000.00, reasonable litigation costs and reasonable attorney fees.

## **CHAPTER 22 - State Grand Jury**

### **2B:22-1. Impaneling State grand jury**

a. There shall be at least one State grand jury with jurisdiction extending throughout the State serving at all times.

b. The State grand jury shall be impaneled by a judge of the Superior Court designated for that purpose by the Chief Justice.

c. The Attorney General or the Director of the Division of Criminal Justice may, when they determine it to be in the public interest, apply in writing to the designated judge requesting that one or more additional State grand juries be impaneled. The judge may, for good cause shown, order the impaneling of additional State grand juries.

### **2B:22-2. Powers and duties of State grand jury**

a. A State grand jury shall have the same powers and duties and shall function in the same manner as a county grand jury except that its jurisdiction shall extend throughout the State. The law applicable to county grand juries shall apply to State grand juries to the extent that it is consistent with the specific provisions relating to State grand juries.

b. The Supreme Court may promulgate rules to govern particularly the procedures of State grand juries.

### **2B:22-3. Selection of State grand jurors**

a. The Administrative Director of the Courts, upon receipt of an order directing the impaneling of a State grand jury, shall prepare a list of prospective jurors randomly drawn from the current jurors lists of the several counties. The list of prospective State grand jurors prepared by the Administrative Director of the Courts shall contain numbers of prospective jurors from each county in the same relative proportion as the population of each county bears to the total population of the State.



- b. The designated judge shall impanel a State grand jury from the prospective jurors on the list. The selection of jurors for service on the State grand jury shall be public and random.

#### **2B:22-4. Summoning of State grand jurors**

The Administrative Director of the Courts shall transmit the names of the prospective jurors selected for service on the State grand jury to the sheriffs of the counties in which the prospective jurors reside. The sheriffs of the respective counties shall cause the prospective jurors resident in their counties to be summoned for service on the State grand jury.

#### **2B:22-5. Judicial supervision of State grand jury**

The judge designated by the Chief Justice shall maintain judicial supervision over the grand jury. All indictments, presentments and formal returns of any kind made by a State grand jury shall be returned to the designated judge.

#### **2B:22-6. Presentation of evidence to State grand jury**

The Attorney General or the designee of the Attorney General shall present evidence to the State grand jury.

#### **2B:22-7. Return of indictment or presentment**

The judge who issues an order impaneling a State grand jury shall designate the county of venue for the purpose of trial of an indictment returned by the State grand jury. The judge may direct the consolidation of an indictment returned by a county grand jury with an indictment returned by a State grand jury and may fix the venue for trial of both indictments.

#### **2B:22-8. Expenses of State grand jury**

- a. The State shall pay the expenses of impaneling and operating a State grand jury out of funds appropriated for this purpose to the Division of Criminal Justice in the Department of Law and Public Safety.
- b. The expenses incurred by a county for the prosecution and trial of a State grand jury indictment shall be paid by the State out of funds appropriated for this purpose to the Division of Criminal Justice in the Department of Law and Public Safety. The county treasurer shall make application for payment of the expenses to the Assignment Judge of the county, and the Assignment Judge shall fix and certify the amount of the expenses.

#### **2B:22-9. Instruction to grand jury; use of force by law enforcement officer**

- a. In a grand jury proceeding where the use of force by a law enforcement officer has been introduced as an issue, the prosecutor shall instruct the grand jury in the elements of justification for the use of force in law enforcement pursuant to N.J.S.A. 2C:3-7 and N.J.S.A. 2C:3-9.
- b. The prosecutor shall specifically charge the grand jury as follows:
  - (1) Subject to the limitations set out below, the use of force upon or toward the person of another is justifiable when a law enforcement officer is making an arrest or assisting in making an arrest and the officer reasonably believes that such force is immediately necessary to effect a lawful arrest.
  - (2) The use of force is not justifiable unless:
    - (a) The officer makes known the purpose of the arrest or reasonably believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and
    - (b) When the arrest is made under a warrant, the warrant is valid or reasonably believed by the officer to be valid.
  - (3) The use of deadly force is not justifiable unless:

- (a) The officer effecting the arrest is authorized to act as a law enforcement officer; and
  - (b) The officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and
  - (c) The officer reasonably believes that the crime for which the arrest is made was homicide, kidnapping, an offense under N.J.S.A. 2C:14-2 or N.J.S.A. 2C:14-3, arson, robbery, burglary of a dwelling, or an attempt to commit one of these crimes; and
  - (d) the officer reasonably believes:
    - (i) There is an imminent threat of deadly force to himself or to a third party; or
    - (ii) The use of deadly force is necessary to thwart the commission of a crime as set forth in subparagraph (c) of this paragraph; or
    - (iii) The use of deadly force is necessary to prevent an escape.
- (4) The use of force to prevent the escape of an arrested person from custody is justifiable when the force could have been employed to effect the arrest under which the person is in custody under the provisions of this act. A correction officer or other person authorized to act as a law enforcement officer is, however, justified in using any force including deadly force, which he reasonably believes to be immediately necessary to prevent the escape of a person committed to a jail, prison, or other institution for the detention of persons charged with or convicted of an offense so long as the actor believes that the force employed creates no substantial risk of injury to innocent persons.
- (5) The justification for the use of force afforded by this act is unavailable when:
- (a) The officer's belief in the unlawfulness of the force or conduct against which he employs protective force or his belief in the lawfulness of an arrest which he endeavors to effect by force is erroneous; and
  - (b) His error is due to ignorance or mistake as to the provisions of the code, any other provisions of the criminal law or the law governing the legality of an arrest or search.
- c. When the officer is justified under N.J.S.A. 2C:3-3 to 2C:3-8 in using force upon or toward the person of another but he recklessly or negligently injures or creates a risk of injury to innocent persons, the justification afforded by those sections is unavailable in a prosecution for such recklessness or negligence towards innocent persons.

## **CHAPTER 23 - Petit Juries**

### **2B:23-1. Number of jurors**

- a. Juries in criminal cases shall consist of 12 persons. Except in trials of crimes punishable by death, the parties in criminal cases may stipulate in writing, before the verdict and with court approval, that the jury shall consist of fewer than 12 persons.
- b. Juries in civil cases shall consist of 6 persons unless the court shall order a jury of 12 persons for good cause shown.

### **2B:23-2. Selection of trial jury from panel**

- a. When a jury is required for trial, the names or identifying numbers of the jurors who constitute the panel or panels from which the jury is to be selected shall be placed on uniform pieces of paper or other uniform markers. The markers shall be deposited in a box.
  - b. The box containing the markers shall be shaken so as to mix the markers thoroughly and the officer designated by the court shall, at the direction of the court, publicly in open court, draw the markers from the box, one at a time, until the necessary number of persons is randomly selected. If any of the persons so selected is successfully challenged or excused from serving on that jury, the drawing shall be continued until the necessary number of persons is selected.
-

c. The Assignment Judge of the county may provide for the random selection of jurors for impaneling by the use of electronic or electro-mechanical devices, if:

(1) the method of random selection is specified with particularity in an order of the Assignment Judge; and

(2) the specification of the method and any programs and procedures used to implement the method, including the relevant computer programs or portions of computer programs which are utilized, are available for public inspection upon request.

### **2B:23-3. Impaneling of additional jurors**

The court may direct the impaneling of a jury with additional members having the same qualifications and impaneled and sworn in the same manner as a jury of 12 or 6. All the jurors shall hear the case, but the court for good cause may excuse any of them from service provided the number of jurors is not reduced to less than 12 or 6 in an appropriate civil case. If more than the prescribed number are left on the jury at the conclusion of the court's charge, the clerk of the court in its presence shall, by drawing names, randomly select that number of jurors' names as will reduce the jury to the required number.

### **2B:23-4. Names of selected trial jurors**

The names of the jurors selected and sworn to try a case shall be made a part of the record of the case.

### **2B:23-5. Names of jurors drawn for trial jury replace in pool**

After a jury has been selected and sworn, the names or identifying numbers of jurors not sworn to try the case shall be returned to the general pool of eligible jurors before the drawing of another jury. The names or identifying numbers of those jurors shall be returned to the general pool of eligible jurors unless the Assignment Judge directs otherwise.

### **2B:23-6. Oath of jurors**

The following oath shall be administered to each juror:

"Do you swear or affirm that you will try the matter in dispute and give a true verdict according to the evidence?"

### **2B:23-7. Oath of officer attending jury**

The following oath shall be administered to the officer appointed to attend the jury:

"Do you swear or affirm that you will do your best to keep every person sworn on this jury together in a private place, and that you will not allow any person to speak to them, nor speak to them yourself, except by order of the court, and except to ask them if they have agreed on a verdict, until they have so agreed?"

### **2B:23-8. Jurors to serve beyond period for which drawn until completion of trial**

When a jury does not complete its trial service during the session for which its members are to serve as jurors, the court may order that the jury shall serve until the completion of the trial even though such trial may extend into the next session or sessions.

### **2B:23-9. Juries drawn from other counties**

a. When a court orders a trial by a jury drawn from outside the county in which the court is sitting, the order shall specify the number of jurors to be returned and shall be directed, and made returnable, to the sheriff of the county from which the jury is to be taken. The jurors shall be competent jurors in the county from which they are to be taken and shall be selected in the same manner as the general panel of jurors is selected.

b. The county in which the trial will be held shall pay the expense of summoning and returning the jurors and of their attendance at the court.

### **2B:23-10. Examination of jurors**

a. In the discretion of the court, parties to any trial may question any person summoned as a juror after the name is drawn and before the swearing, and without the interposition of any challenge, to

determine whether or not to interpose a peremptory challenge or a challenge for cause. Such examination shall be permitted in order to disclose whether or not the juror is qualified, impartial and without interest in the result of the action. The questioning shall be conducted in open court under the trial judge's supervision.

b. The examination of jurors shall be under oath only in cases in which a death penalty may be imposed.

#### **2B:23-11. Challenge to qualifications of jurors**

It shall be good cause for challenge to any person summoned as a juror that the person does not possess the qualifications required by N.J.S.A. 2B:20-1 or that the person's name does not appear on the jury lists prepared pursuant to N.J.S.A. 2B:20-4. If the challenge is verified according to law or on the person's oath the person shall be discharged.

#### **2B:23-12. Interest in action by or against county or municipality**

In an action in which a county or municipality is or may be a party or otherwise has an interest in the action, it shall not be a ground for challenge to the jury panel that the court officers, court employees or jurors, solely because they are inhabitants of the county or municipality, are interested in the action or are taxed in the county.

#### **2B:23-13. Peremptory challenges**

Upon the trial of any action in any court of this State, the parties shall be entitled to peremptory challenges as follows:

a. In any civil action, each party, 6.

b. Upon an indictment for kidnapping, murder, aggravated manslaughter, manslaughter, aggravated assault, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, aggravated arson, arson, burglary, robbery, forgery if it constitutes a crime of the third degree as defined by subsection b. of N.J.S.A. 2C:21-1, or perjury, the defendant, 20 peremptory challenges if tried alone and 10 challenges if tried jointly and the State, 12 peremptory challenges if the defendant is tried alone and 6 peremptory challenges for each 10 afforded the defendants if tried jointly. The trial court, in its discretion, may, however, increase proportionally the number of peremptory challenges available to the defendant and the State in any case in which the sentencing procedure set forth in subsection c. of N.J.S.A. 2C:11-3 might be utilized.

c. Upon any other indictment, defendants, 10 each; the State, 10 peremptory challenges for each 10 challenges allowed to the defendants. When the case is to be tried by a jury from another county, each defendant, 5 peremptory challenges, and the State, 5 peremptory challenges for each 5 peremptory challenges afforded the defendants.

#### **2B:23-14. Trial of challenges to jurors**

All challenges to panels of jurors or to individual jurors shall be decided by the court.

#### **2B:23-15. Time for making challenges**

a. Challenges to jurors may be made at any time before the juror is sworn to try the case.

b. No challenge to a juror may be made after the juror is sworn to try the case unless:

(1) the basis for the challenge could not reasonably have been known earlier to the person making the challenge; and

(2) the challenge is based upon the juror's inability to render a fair and impartial verdict.

#### **2B:23-16. Jury of view**

a. At any time during trial the court may order that the jury view the lands, places or personal property in question to understand the evidence better. The court shall direct the viewing procedure.

---

The order shall be directed to the proper officer, specifying the day and place in question. Neither side shall give evidence when the jury is viewing. The officer who executes the order shall, by a special return, certify that the view has occurred according to the order.

b. In a civil case, the court shall determine which party shall bear the expense of a view.

c. The trial shall proceed even though a view which was ordered has not taken place.

### **2B:23-17. Verdict by five-sixths of the jury**

In any civil trial by jury, at least five-sixths of the jurors shall render the verdict unless the parties stipulate that a smaller majority of jurors may render the verdict.

### **2B:23-18. Disagreement of jurors**

If the jury does not agree on a verdict, the court may order a new trial.

## **Title 22A - Juror Fees**

### **22A:1-1.1. Jurors; payment for attendance; method of payment**

a. Every person serving as a juror in New Jersey courts, whether as a grand or petit juror, shall receive, for each day's attendance at such courts, the sum of \$5.

b. In addition to the amounts received pursuant to subsection a. of this section, each person serving as a juror, other than a person compensated pursuant to N.J.S.A. 2B:20-16, shall be paid \$35 for each consecutive day of attendance in excess of three days. For the purposes of this subsection, "consecutive" days of attendance shall be counted excluding Saturdays, Sundays, State holidays and days when a trial is in recess.

c. The Assignment Judge of the vicinage shall designate the method of juror payment. The Assignment Judge shall keep an account of all **juror fees** paid under this section and provide each juror with a statement of the number of days the juror served and the amount of fees to which the juror is entitled.

Amended by L.2001, c. 38, ' 1, eff. March 23, 2001.

## **Title 38A -- Military and Veterans Law    Subtitle 1. Armed Forces**

### **CHAPTER 4 - Organized Militia**

#### **38A:4-6. (2010) Exemption from jury duty**

Every officer and enlisted member of the organized militia, during his service therein, shall be exempt from jury duty.

#### **Note for Jury Managers:**

This statute was not considered when the jury selection statutes were wholly revised in 1995 because it was outside the jury selection statutes and instead included, as shown in the title above, within the chapter on Military and Veterans Law. At the time of that earlier statutory revision, the Legislature repealed all existing exemptions from juror service, which is how this provision is structured -- but again, this escaped review at that time.

The interpretation that we've taken with regard to this statute is that the use of the term "during [the prospective juror's] service therein" limits its application to armed services personnel who are on active duty when summoned, including members of the National Guard.

Please keep in mind that this is an exemption from service, not a disqualification, and that it must be exercised by the prospective juror in order to be effected. It has been the overall experience that members of the armed services are willing to serve as jurors where able to do so and that they do not unduly exercise this exemption when known to them.

You'll recall that volunteer firefighters and members of first aid / rescue squads are provided with a

---

ground for excuse from juror service and that part of the reason for that is that the Legislature considered those citizens to already be engaged in activities that were serving the public. This can be viewed in a similar light given the importance of the efforts of active duty military personnel to the safety and security of our nation.