

House Engrossed

jurors; peremptory challenge; civil action

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2228

AN ACT

AMENDING TITLE 21, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 21-316; RELATING TO FORMATION OF JURIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 21, chapter 3, article 2, Arizona Revised
3 Statutes, is amended by adding section 21-316, to read:

4 21-316. Peremptory challenges

5 IN A CIVIL ACTION IN THE SUPERIOR COURT, EACH PARTY IS ENTITLED TO
6 FOUR PEREMPTORY CHALLENGES AS FOLLOWS:

7 1. BEGINNING WITH THE PLAINTIFF, EACH PARTY SHALL ALTERNATE
8 STRIKING JURORS UNTIL ALL CHALLENGES ARE USED OR WAIVED. IF A PARTY DOES
9 NOT USE A PEREMPTORY CHALLENGE, THE PARTY WAIVES ANY REMAINING PEREMPTORY
10 CHALLENGES. IF A PARTY WAIVES A PEREMPTORY CHALLENGE, THE WAIVER DOES NOT
11 AFFECT ANY OTHER PARTY'S REMAINING PEREMPTORY CHALLENGES.

12 2. THE COURT MAY ALLOW A PARTY ADDITIONAL PEREMPTORY CHALLENGES IF
13 TWO OR MORE PARTIES ON THE SAME SIDE HAVE ADVERSE OR HOSTILE
14 INTERESTS. IF THE COURT ALLOWS A PARTY ADDITIONAL PEREMPTORY CHALLENGES,
15 THE COURT SHALL ALLOW AN EQUAL NUMBER OF PEREMPTORY CHALLENGES TO THE
16 PARTY OR PARTIES ON THE OTHER SIDE. IF ANY PARTY IS UNABLE TO AGREE ON
17 THE DISTRIBUTION OF PEREMPTORY CHALLENGES, THE COURT SHALL EQUALLY
18 DISTRIBUTE THE ADDITIONAL PEREMPTORY CHALLENGES.

19 Sec. 2. Legislative findings

20 The legislature finds that:

21 1. The Arizona supreme court accurately stated in State v.
22 Thompson, 68 Ariz. 386 (1949), that peremptory challenges involve a
23 "substantial rather than a mere procedural or technical right and should
24 be fully enforced as an aid in securing an impartial jury."

25 2. The Arizona supreme court's elimination of peremptory challenges
26 in jury selection in civil trials on August 30, 2021 through Rule Petition
27 No. R-21-0020 has resulted in concerns about increased risk of biased
28 juries, the potential for strategic manipulation in jury selection and
29 concerns about fairness and due process, impeding a party's right to a
30 fair trial especially in complex cases.

31 3. Based on the findings in paragraph 1 of this section, the
32 legislature intends to restore a limited number of peremptory strikes in
33 civil actions to facilitate each side's right to a fair and impartial
34 jury, retain the protections of Batson v. Kentucky, 476 U.S. 79 (1986),
35 and require the avowal and finding prescribed by this section without
36 regard to whether a Batson challenge has been raised.