

CHAPTER 40
HB 1108-FN – FINAL VERSION

2014 SESSION

14-2240
01/03

HOUSE BILL

1108-FN

AN ACT

requiring voir dire examination of prospective jurors in all criminal cases.

SPONSORS:

Rep. G. Richardson, Merr 10; Rep. Huot, Belk 3

COMMITTEE:

Judiciary

ANALYSIS

This bill requires voir dire examination of prospective jurors in all criminal cases.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT requiring voir dire examination of prospective jurors in all criminal cases.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 40:1 Attorney Voir Dire Examination of Prospective Jurors. Amend RSA 500-A:12-a to read as
2 follows:

3 500-A:12-a Attorney Voir Dire Examination of Prospective Jurors. In addition to the provisions
4 of RSA 500-A:12, the following provisions shall be incorporated into jury selection for civil **and**
5 **criminal** cases:

6 I. The court shall instruct the panel of prospective jurors prior to jury selection as to:

7 (a) The nature and purpose of the selection process.

8 (b) The nature of the case to be presented.

9 (c) The specific issues for resolution.

10 (d) A summary of the law to be used in their consideration of the evidence.

11 (e) Any controversial aspects of the trial likely to invoke bias.

12 II. Counsel for each party shall be allowed a reasonable amount of time to address the panel
13 of prospective jurors for the purpose of explaining such party's claims, defenses, and concerns in
14 sufficient detail to prompt jury reflection, probing, and subsequent disclosure of information, opinion,
15 bias, or prejudices which might prevent a juror from attaining the requisite degree of neutrality
16 required.

17 III. The trial judge shall examine the prospective jurors. Upon completion of the judge's
18 initial examination, counsel for each party shall have the right to examine, by oral and direct
19 questioning, any of the prospective jurors in order to enable counsel to intelligently exercise both
20 peremptory challenges and challenges for cause. During any examination conducted by counsel for
21 the parties, the trial judge shall permit liberal and probing examination calculated to discover bias or
22 prejudice with regard to the circumstances of the particular case. The fact that a topic has been
23 included in the judge's examination shall not preclude additional non-repetitive or non-duplicative
24 questioning in the same area by counsel.

25 IV. The scope of the examination conducted by counsel shall be within reasonable limits
26 prescribed by the trial judge's sound discretion. In exercising his or her sound discretion as to the
27 form and subject matter of voir dire questions, the trial judge shall consider, among other criteria,
28 any unique or complex elements, legal or factual, in the case and the individual responses or conduct
29 of jurors which may evince attitudes inconsistent with suitability to serve as a fair and impartial
30 juror in the particular case. Specific unreasonable or arbitrary time limits shall not be imposed. The

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1 trial judge shall permit counsel to conduct voir dire examination without requiring prior submission
2 of the questions unless a particular counsel engages in improper questioning. For purposes of this
3 section, an “improper question” is any question which, as its dominant purpose, attempts to
4 precondition the prospective jurors to a particular result, indoctrinate the jury, or question the
5 prospective jurors concerning the pleadings or the applicable law. A court shall not arbitrarily or
6 unreasonably refuse to submit reasonable written questions, the contents of which are determined by
7 the court in its sound discretion, when requested by counsel.

8 V. Upon the agreement of all parties, the trial judge may waive voir dire examination by
9 counsel under this section.

10 40:2 Effective Date. This act shall take effect January 1, 2015.

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12 Approved: May 27, 2014

13 Effective Date: January 1, 2015