# RULE CR 47
# JURORS

(a) Examination of Jurors. The court may examine the prospective jurors to the extent it deems appropriate, and shall permit the parties or their attorneys to ask reasonable questions.

(b) Alternate Jurors. The court may direct that not more than six jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled, two peremptory challenges if three or four alternate jurors are to be impaneled, and three peremptory challenges if five or six alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror. An alternate juror who does not replace a regular juror may be discharged or temporarily excused after the jury retires to consider its verdict. When an alternate juror is temporarily excused but not discharged, the trial judge shall take appropriate steps to protect such juror from influence, interference or publicity which might affect that jurors ability to remain impartial, and the trial judge may conduct brief voir dire before seating such alternate juror for any trial or deliberations. An alternate juror may be recalled at any time that a regular juror is unable to serve, including a second phase of any trial that is bifurcated. If the jury has commenced deliberations prior to the replacement of a regular juror with an alternate juror, the jury shall be instructed to disregard all previous deliberations and to begin deliberations anew.

(c) Procedure When Juror Becomes Ill. (Reserved. See RCW 4.44.290.)

(d) Impaneling Jury. (Reserved. See RCW 4.44.120.)

(e) Challenge.

(1) Kind and Number. (Reserved. See RCW 4.44.130.)

(2) Peremptory Challenges Defined. (Reserved. See RCW 4.44.140.)

(3) Challenges for Cause. (Reserved. See RCW 4.44.150.)

(4) General Causes of Challenge. (Reserved. See RCW 4.44.160.)

(5) Particular Causes of Challenge. (Reserved. See RCW 4.44.170.)

(6) Implied Bias Defined. (Reserved. See RCW 4.44.180.)

(7) Challenge for Actual Bias. (Reserved. See RCW 4.44.190.)

(8) Exemption Not Cause of Challenge. (Reserved.)

(9) Peremptory Challenges. (Reserved. See RCW 4.44.210.)

(10) Order of Taking Challenges. (Reserved. See RCW 4.44.220.)

(11) Objections to Challenges. (Reserved. See RCW 4.44.230.)

(12) Trial of Challenge. (Reserved. See RCW 4.44.240.)

(13) Challenge; Objection and Denial May Be Oral. (Reserved. See RCW 4.44.250.)

(f) Oath of Jurors. (Reserved. See RCW 4.44.260.)

(g) View of Premises by Jury. (Reserved. See RCW 4.44.270.)

(h) Admonitions to Jurors. (Reserved. See RCW 4.44.280.)

(i) Care of Jury While Deliberating.

(1) Generally. During trial and deliberations the jury may be allowed to separate unless good cause is shown, on the record, for sequestration of the jury.

(2) Communication Restricted. Unless the jury is allowed to separate, the jurors shall be kept together under the charge of one or more officers until they agree upon their verdict or are discharged by the court. The officer shall keep the jurors separate from other persons and shall not allow any communication which may affect the case to be made to the jurors, nor make any himself, unless by order of the court, except to ask the jurors if they have agreed upon their verdict. The officer shall not, before the verdict is rendered, communicate to any person the state of the jurors' deliberations or their verdict.

(3) Motions. Any motions or proceedings concerning the separation or sequestration of the jury shall be made out of the presence of the jury.

(j) Note Taking by Jurors. In all cases, jurors shall be allowed to take written notes regarding the evidence presented to them and keep these notes with them during their deliberation. The court may allow jurors to keep these notes with them in the jury room during recesses, in which case jurors may review their own notes but may not share or discuss the notes with other jurors until they begin deliberating. Such notes should be treated as confidential between the jurors making them and their fellow jurors, and shall be destroyed immediately after the verdict is rendered.

[Amended effective July 1, 1974; September 1, 1983; September 1, 1989; April 20, 1990; amended effective October 1, 2002.]