

GENERAL OFFICE MEMORANDUM 20-151

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM:  JOSEPH P. ESPOSITO
Chief Deputy District Attorney

SUBJECT: NUMBER OF PEREMPTORY CHALLENGES IN MISDEMEANOR TRIALS

DATE: NOVEMBER 17, 2020

Operative January 1, 2017, Senate Bill 843 (SB 843) amended Code of Civil Procedure § 231(b), to limit the number of peremptory challenges in misdemeanor cases to six (6) (see GOM 16-098). By its own terms, SB 843 will be *repealed* January 1, 2021.

Since there have been no intervening amendments, as of **January 1, 2021**, the number of peremptory challenges in misdemeanor cases will again rise to ten (10), unless the maximum punishment is 90 days in jail or less, in which case the number of peremptory challenges will remain at six (6).

Peremptory challenges in felony cases remain unaffected.

A complete history of the law can be located at:

http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160SB843&show_amends=false

jmn