

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 87

**CRIMINAL JURY SELECTION PROCEDURES  
AND PEREMPTORY CHALLENGES**

Except as may otherwise be provided by statute, peremptory challenges shall be allowed in all prosecutions for crimes committed after July 1, 1993, as follows:

(a) Each defendant charged with an off-grid felony or any level 1 felony shall be allowed 12 peremptory challenges.

(b) Each defendant charged with a level 2-6, person felony, a level 5 or greater, non-person felony, or a level 2 or 3, drug felony shall be allowed 8 peremptory challenges.

(c) Each defendant charged with an unclassified felony or a ranked guideline felony not mentioned above shall be allowed 6 peremptory challenges.

(d) Each defendant charged with a misdemeanor shall be allowed 3 peremptory challenges.

(e) The prosecution shall be allowed the same number of peremptory challenges as all defendants.

(f) The most serious penalty offense charged against each defendant furnishes the criterion for determining the allowed number of peremptories for that defendant.

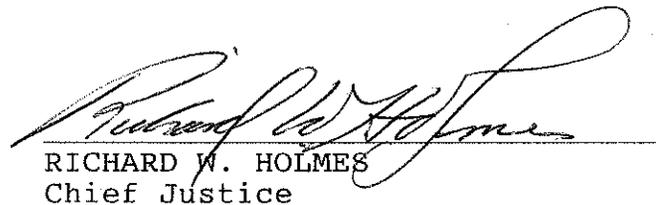
(g) Additional peremptory challenges shall not be allowed when separate counts are charged in the complaint, information or indictment.

(h) The provisions of K.S.A. 22-3412 shall apply, unless otherwise in conflict with this rule. In applying the statute, the trial court may determine the number of peremptory challenges to allow by reviewing the classification for the crime charged, or nearest comparable felony, as it was classified under the criminal law in effect prior to July 1, 1993. If the severity level of the most serious crime charged raises the potential penalty above that of another crime which was classified higher under the criminal law in effect prior to July 1, 1993, the defendant shall be allowed the number of peremptories as for that higher classified crime under the prior system.

(i) The trial court shall resolve any conflicts with a liberal construction in favor of allowing the greater number of peremptory challenges.

(j) This order shall be published in the Advance Sheets of the Kansas Reports and be provided to all Kansas District Judges.

BY ORDER OF THE COURT this 2nd day of June,  
1993.

  
RICHARD W. HOLMES  
Chief Justice