

29A.320 Duty of jury and officer after submission -- Causes for discharge of jury -- Procedure for rendering verdict.

- (1) When the case is finally submitted to the jury, they shall retire for deliberation. When they retire, they shall be kept together in some convenient place, under the charge of an officer, until they agree upon a verdict or are discharged by the court, subject to the Supreme Court rules permitting them to separate temporarily at night and for their meals. The officer having them under his charge shall not allow any communications to be made to them, nor make any himself, except to ask them if they have agreed upon their verdict, unless by order of the court; and he shall not, before their verdict is rendered, communicate to any person the state of their deliberations, or the verdict agreed upon.
- (2)
 - (a) The jury may be discharged by the court on account of the sickness of a juror, or other accident, calamity or circumstance requiring their discharge; or, by consent of both parties; or, after they have been kept together until it satisfactorily appears that there is no probability of their agreeing.
 - (b) Cases in which the jury are discharged without making a verdict shall be tried again at such time as the court may direct.
- (3) The procedure for rendering the verdict shall be:
 - (a) When the jury have agreed on their verdict, the verdict shall be written and signed by the foreman.
 - (b) When a verdict is rendered by less than the whole jury, it shall be signed by all the jurors who agree to it.
 - (c) The foreman shall hand the verdict to the judge who shall read the verdict and then make inquiry of the jury as to whether it is their verdict.
 - (d) When the verdict is announced either party may require that the jury be polled, which is done by the judge asking each juror if it is his verdict.
 - (e) If more than the number of jurors required by KRS 29A.280, as appropriate to the type of case being tried, answers in the negative, the jury must be sent out for further deliberation.
 - (f) If no disagreement is expressed or, in an appropriate case, an insufficient number disagree, the verdict is complete and the jury shall be discharged from the case.

Effective: January 2, 1978

History: Created 1976 (1st Extra. Sess.) Ky. Acts ch. 22, sec. 43, effective January 2, 1978.