

2022 Regular Session

HOUSE BILL NO. 744

BY REPRESENTATIVE GAINES

CRIMINAL/PROCEDURE: Provides relative to convictions rendered by a verdict from a non-unanimous jury

1 AN ACT

2 To enact Code of Criminal Procedure Articles 15.1, 930.3(9), and 930.8(7) and R.S.  
3 15:574.4(K), relative to post conviction relief; to provide relative to the grounds for  
4 post conviction relief for non-unanimous jury verdicts; to provide relative to time  
5 limitations for post conviction relief when a petitioner has a conviction rendered by  
6 a non-unanimous jury; to allow for parole eligibility for persons convicted by a  
7 verdict rendered by a non-unanimous jury; to establish a review board for cases in  
8 which a non-unanimous jury verdict was rendered; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Articles 15.1, 930.3(9), and 930.8(7) are  
11 hereby enacted to read as follows:

12 Art. 15.1. Review board of non-unanimous jury verdicts

13 A. The Louisiana Supreme Court is hereby authorized to create and establish  
14 a board for the purpose of reviewing all cases in which a non-unanimous jury verdict  
15 was rendered prior to 2018.

16 B. Such board shall be comprised of retired justices and judges, district  
17 attorneys, and attorneys, including public defenders. The board shall ensure an  
18 objective, hindsight-based review of all cases of individuals still incarcerated as a  
19 result of non-unanimous jury verdicts. The board shall formulate a method that will  
20 enable the judicial system of Louisiana and the Department of Public Safety and

1 Corrections to ensure the equal application of laws, as such laws relate to individuals  
2 who may have been subjected to a miscarriage of justice due to the state's non-  
3 unanimous jury verdict law prior to 2018.

4 C. The Louisiana Supreme Court is hereby authorized to adopt rules and  
5 regulations necessary to carry out the provisions of this Article.

6 \* \* \*

7 Art. 930.3. Grounds

8 If the petitioner is in custody after sentence for conviction for an offense,  
9 relief shall be granted only on the following grounds:

10 \* \* \*

11 (9) The conviction of the petitioner was rendered by a verdict from a non-  
12 unanimous jury.

13 \* \* \*

14 Art. 930.8. Time limitations; exceptions; prejudicial delay

15 A. No application for post conviction relief, including applications which  
16 seek an out-of-time appeal, shall be considered if it is filed more than two years after  
17 the judgment of conviction and sentence has become final under the provisions of  
18 Article 914 or 922, unless any of the following apply:

19 \* \* \*

20 (7) The application alleges, and the petitioner shows, that the conviction was  
21 rendered by a verdict from a non-unanimous jury, that the petition was filed prior to  
22 April 20, 2023, and that the petitioner has not been granted parole under R.S.  
23 15:574.4(K)

24 \* \* \*

25 Section 2. R.S. 15:574.4(K) is hereby enacted to read as follows:

26 §574.4. Parole; eligibility; juvenile offenders

27 \* \* \*

28 K. Notwithstanding any other provision of law to the contrary, a person  
29 serving a sentence for a conviction rendered by a verdict from a non-unanimous jury

1        shall be entitled to a parole hearing before the committee on parole within one  
 2        hundred eighty days of the person receiving notice from the board established by  
 3        Code of Criminal Procedure Article 15.1 that his case has been reviewed and he is  
 4        eligible for parole. The provisions of this Subsection shall supersede and control to  
 5        the extent of any conflict with any other provision of law.

---

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 744 Original

2022 Regular Session

Gaines

**Abstract:** Provides relative to relief for cases in which a non-unanimous jury verdict was rendered.

Proposed law (C.Cr.P. Art. 15.1) authorizes the La. Supreme Ct. to create and establish a board for the purpose of reviewing all cases in which a non-unanimous jury verdict was rendered prior to 2018. Provides for the composition and duties of the board. Further authorizes the La. Supreme Ct. to adopt rules and regulations necessary to carry out proposed law.

Present law (C.Cr.P. Art. 930.3) provides for the grounds of post conviction relief.

Proposed law adds an additional ground for convictions rendered by a verdict from a non-unanimous jury.

Present law (C.Cr.P. Art. 930.8) provides that no application for post conviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final, unless certain present law exceptions apply.

Proposed law adds an exception for convictions rendered by a verdict from a non-unanimous jury verdict.

Present law (R.S. 15:574.4) provides relative to parole eligibility for certain offenders.

Proposed law provides that a person serving a sentence for a conviction rendered by a verdict from a non-unanimous jury shall be entitled to a parole hearing before the committee on parole within 180 days of the person receiving notice from the board established by proposed law that his case has been reviewed and he is eligible for parole.

(Adds C.Cr.P. Arts. 15.1, 930.3(9), 930.8(7) and R.S. 15:574.4(K))