

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 940 by Representative Montoucet

CRIMINAL/JURY TRIALS: (Constitutional Amendment) Permits criminal defendants in certain cases to waive trial by jury in certain circumstances

Synopsis of Senate Amendments

1. Deleted proposed law provision which required the defendant's waiver to be with the consent of the prosecuting attorney and court approval.
2. Added provision which requires the defendant to waive no later than forty-five days prior to the trial date and provides that the waiver shall be irrevocable.
3. Amended election ballot language to reflect these changes.

Digest of Bill as Finally Passed by Senate

Present constitution (Art. I, §17(A)) permits a criminal defendant, except in capital cases, to knowingly and intelligently waive his right to a trial by jury.

Proposed constitutional amendment retains present constitution (Art. I, §17(A)) but requires the defendant to waive no later than forty-five days prior to the trial date and provides that the waiver is irrevocable.

Proposed constitutional amendment, if approved by a majority of voting electors, shall become effective 20 days after proclamation by the governor that the amendment has been adopted.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. I, §17(A))