CRIMINAL PROCEDURE. Constitutional amendment to require unanimous juries for felonies. (2/3 - CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article I, Section 17(A) of the Constitution of Louisiana, relative to jury trials in criminal cases; to provide for unanimous juries in felony cases; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article I, Section 17(A) of the Constitution of Louisiana, to read as follows:

§17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial

Section 17.(A) Jury Trial in Criminal Cases. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten all of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, all of whom must concur to render
a verdict. The accused shall have a right to full voir dire examination of prospective
jurors and to challenge jurors peremptorily. The number of challenges shall be fixed
by law. Except in capital cases, a defendant may knowingly and intelligently waive
his right to a trial by jury but no later than forty-five days prior to the trial date and
the waiver shall be irrevocable.

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Section 2. Be it further resolved that this proposed amendment shall be submitted
to the electors of the state of Louisiana at the statewide election to be held on November 6,
2018.

Section 3. Be it further resolved that on the official ballot to be used at said election
there shall be printed a proposition, upon which the electors of the state shall be permitted
to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
follows:

Do you support an amendment to require a unanimous jury verdict for felony
trials?

(Amends Article I, Section 17(A))

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by James Benton.