

1 jurors and to challenge jurors peremptorily. The number of challenges shall be fixed
2 by law. Except in capital cases, a defendant may knowingly and intelligently waive
3 his right to a trial by jury, with the approval of the court and the consent of the
4 prosecuting attorney.

5 * * *

6 Section 2. Be it further resolved that this proposed amendment shall be submitted
7 to the electors of the state of Louisiana at the statewide election to be held on November 2,
8 2010.

9 Section 3. Be it further resolved that on the official ballot to be used at said election
10 there shall be printed a proposition, upon which the electors of the state shall be permitted
11 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
12 read as follows:

13 To permit criminal defendants, except in capital cases, to waive their right
14 to a trial by jury if the prosecuting attorney consents to the waiver and the
15 trial court approves. (Amends Article I, Section 17(A))

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)]

Montoucet

HB No. 940

Abstract: Provides for a criminal defendant in certain cases to waive trial by jury with the consent of the prosecutor and court approval.

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 waiver to have the consent of the prosecuting attorney and court approval.

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 November 2, 2010.

(Amends Const. Art. I, §17(A))