
DIGEST

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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 Nov. 2, 2010.

(Amends Const. Art. I, §17(A))