
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Heitmeier (SB 233)

Present law prohibits arguments in a jury from appealing to prejudice. Proposed law retains this provision but also provides that except in prosecutions for offenses punishable by death or life imprisonment, the argument will not touch upon the subject of penalty or punishment.

Present law provides that a court will not charge the jury concerning the facts of a case and is prohibited from commenting upon the facts, either by commenting upon or recapitulating the evidence, repeating the testimony of any witness, or giving an opinion as to what has been proved, not proved, or refuted.

Proposed law retains these provisions in present law and provides that, except in prosecutions for offenses punishable by death or life imprisonment, a court is prohibited from charging the jury concerning the subject of penalty or punishment.

Effective August 15, 2010.

(Amends C. Cr. P. Arts. 774 and 806)