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DIGEST

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Heitmeier

SB No. 233

Present law prohibits arguments in a jury from appealing to prejudice. Proposed law retains present law but also provides that except in prosecutions for offenses punishable by death or life imprisonment, the argument shall not refer to 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 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.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill.

1. Made technical corrections.