

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 233 By Senator Heitmeier

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIMINAL PROCEDURE. Provides for the scope of argument and charges by the court in certain criminal proceedings. (8/15/10)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Authorizes the court to notify the jury as to existence of a mandatory minimum penalty or punishment.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

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.

Proposed law authorizes the court to notify the jury as to the existence of a mandatory minimum penalty or punishment.

Present law prohibits a court from charging a jury concerning the facts of a case nor to comment on 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. Proposed law authorizes the court to notify the jury as to the existence of a mandatory minimum penalty or punishment.

Effective August 15, 2010.

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

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