

2019 Regular Session

HOUSE RESOLUTION NO. 219

BY REPRESENTATIVE JAMES

CRIMINAL/JUSTICE: Requests the Vera Institute of Justice to study certain eligibility and qualification requirements for jurors

1 A RESOLUTION

2 To urge and request the Vera Institute of Justice to study the eligibility requirements for  
3 jurors set forth in the Code of Criminal Procedure and the impact of those  
4 requirements on the ability of a jury commission to create a source list of potential  
5 jurors that comports with the Sixth Amendment to the Constitution of the United  
6 States and Article I, Section 17 of the Constitution of Louisiana.

7 WHEREAS, the Sixth Amendment to the Constitution of the United States grants  
8 criminal defendants the right to a trial by an impartial jury consisting of jurors from the state  
9 and district in which the crime was alleged to have been committed; and

10 WHEREAS, this right to be judged by a jury of one's peers is the most fundamental  
11 right of our criminal legal system; and

12 WHEREAS, to ensure that defendants going to trial are provided a jury of their peers,  
13 it is vital to analyze the source lists that are used to select potential jurors that represent a fair  
14 cross-section of the community; and

15 WHEREAS, studies have demonstrated that solely utilizing voter registration and  
16 department of motor vehicle records to summon potential jurors is deficient in ensuring the  
17 defendant's right to have his case tried before a jury of his peers; and

18 WHEREAS, national studies on mock juries and group decision-making demonstrate  
19 that with an increase in diversity of the group decision-makers there is also an increase in  
20 objective decision-making, accurate verdicts, and fairness; and

1           WHEREAS, transparency is central to good governance, to the understanding of how  
2 community members are selected to sit on juries, and to ensuring that eligible persons are  
3 not unduly excluded; and

4           WHEREAS, under Louisiana law, in order to qualify to serve as a juror, a person  
5 must not be under indictment for a felony nor have been convicted of a felony for which he  
6 has not been pardoned by the governor; and

7           WHEREAS, the exclusion of formerly incarcerated persons from juries has been  
8 rooted in an unverified notion that formerly incarcerated persons harbor an inherent bias and  
9 lack the necessary character to serve on a jury; and

10           WHEREAS, a recent mock-jury study involving formerly incarcerated persons and  
11 persons who have never been incarcerated found that these two groups vote similarly, and  
12 further found that the formerly incarcerated persons outperformed their non-formerly  
13 incarcerated peers; they were more likely to introduce new facts, and participated in  
14 deliberations for a greater amount of time; and

15           WHEREAS, this study also concluded that the formerly incarcerated persons were  
16 equally as likely to convict as their non-formerly incarcerated peers.

17           THEREFORE, BE IT RESOLVED that the House of Representatives of the  
18 Legislature of Louisiana does hereby urge and request the Vera Institute of Justice to study  
19 the eligibility requirements for jurors set forth in the Code of Criminal Procedure and the  
20 impact of those requirements on the ability of a jury commission to create a source list of  
21 potential jurors that comports with the Sixth Amendment to the Constitution of the United  
22 States and Article I, Section 17 of the Constitution of Louisiana.

23           BE IT FURTHER RESOLVED that, in this regard, the Vera Institute of Justice may  
24 work with and receive information from various stakeholders in the criminal legal system,  
25 including but not limited to the Louisiana Clerks of Court Association, the Louisiana District  
26 Judges Association, the Louisiana Public Defender Board, the Louisiana District Attorneys  
27 Association, the office of motor vehicles of the Department of Public Safety and  
28 Corrections, and the secretary of state.

1           BE IT FURTHER RESOLVED that the Vera Institute of Justice may also study  
2 relevant case law and national practices to better understand other approaches of curating  
3 a representative jury of one's peers.

4           BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the  
5 Vera Institute of Justice.

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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)]

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HR 219 Original

2019 Regular Session

James

Requests the Vera Institute of Justice to study the eligibility requirements for jurors set forth in the Code of Criminal Procedure and the impact of those requirements on the ability of a jury commission to create a source list of potential jurors that comports with the 6th Amendment to the U.S. Constitution and La. Const. Art. I, §17.