

SENATE FLOOR AMENDMENTS

2025 Regular Session

Amendments proposed by Senator Duplessis to Engrossed Senate Bill No. 218 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 3, after "930.4(H)," delete "and"

AMENDMENT NO. 2

On page 1, line 3, after "930.8(A)(7)," insert "and 930.11,"

AMENDMENT NO. 3

On page 1, line 7, after "relative to" delete "time"

AMENDMENT NO. 4

On page 1, line 10, after "930.4(H)," delete "and"

AMENDMENT NO. 5

On page 1, line 11, after "930.8(A)(7)" insert ", and 930.11"

AMENDMENT NO. 6

On page 1, line 16, after "**verdict**" and before the period ":" insert "**, subject to the provisions of Article 930.11**"

AMENDMENT NO. 7

On page 2, line 17, after "**verdict**" and before the period ":" insert "**, subject to the provisions of Article 930.11**"

AMENDMENT NO. 8

On page 2, after line 21, add the following:

"* * *

Art. 930.11. Limitations on finding of a nonunanimous jury verdict

A. If the court finds that the petitioner has proved their jury verdict was non-unanimous, there shall be a rebuttable presumption that the dissenting juror or jurors voted for an acquittal. The district attorney shall have an opportunity to object under Article 927 on the basis that the dissenting juror or jurors dissented from the verdict because he voted guilty to a different charge as part of a responsive verdict under Article 814. If the court finds the state has proved so by clear and convincing evidence, the petition shall be dismissed.

B. If either the petitioner or the state's proof of the jury verdict count relies solely on testimonial evidence, the court shall hold an evidentiary hearing upon motion of the opposing party.

C. Where a petitioner's conviction is vacated based solely on a nonunanimous jury verdict, the state shall not be subject to the time limitation in Article 582, but shall instead have three years from the date the application for post-conviction relief was granted to commence the second trial.

D. If a court grants relief under this Article, the petitioner shall remain in custody pending a new trial "