

2026 Regular Session

HOUSE BILL NO. 219

BY REPRESENTATIVE OWEN

CRIMINAL/PROCEDURE: Provides relative to post-conviction relief or parole when a verdict is rendered by a non-unanimous jury

1 AN ACT

2 To enact Code of Criminal Procedure Article 930.12, relative to non-unanimous jury
3 convictions; to provide for a review of non-unanimous jury convictions; to provide
4 for resentencing under certain circumstances; to provide for a procedure for the
5 review and resentencing of persons convicted by a non-unanimous jury; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 930.12 is hereby enacted to read as
9 follows:

10 Art. 930.12. Review of sentence; non-unanimous jury verdict

11 A.(1) The legislature recognizes that non-unanimous jury verdicts in felony
12 cases have been declared unconstitutional by the Louisiana Supreme Court in State
13 v. Reddick, 2021-KP-01893 (La. 10/21/22), 351 So.3d 273. The Louisiana Supreme
14 Court determined that the rule of Ramos v. Louisiana, 590 U.S. 83 (2020), is not
15 retroactively applicable on state post-conviction review. The legislature recognizes
16 that sentences imposed upon convictions returned by non-unanimous juries were
17 imposed without consideration of the constitutional infirmity and diminished
18 reliability of such verdicts and that the Louisiana Supreme Court expressly noted that
19 the legislature may determine that a broader subset of individuals are eligible for
20 post-conviction review.

1 (2) It is the intent of the legislature to provide to those defendants having
2 non-unanimous jury convictions, who received the maximum allowable sentence
3 under the law, an opportunity for review of their sentence for a determination of
4 whether the defendant received an excessive sentence as a matter of law.

5 B.(1) The provisions of this Article apply to any defendant who is presently
6 -serving a sentence of imprisonment, whether incarcerated or on parole supervision,
7 for a felony conviction returned by a non-unanimous jury verdict.

8 (2) The provisions of this Article do not apply to any conviction for which
9 the imposed sentence has been fully served.

10 C.(1)(a) A defendant may seek review of a sentence based on a non-
11 unanimous jury verdict by filing a motion for resentencing in the district court in
12 which the conviction was obtained no later than August 1, 2027.

13 (b) Notwithstanding the provisions of Code of Criminal Procedure Article
14 930.4(D), the court may vacate a sentence and impose a new sentence.

15 (c) Any opposition to the motion and all documents in support of the
16 opposition shall be filed and served in accordance with Code of Civil Procedure
17 Article 1313(A)(4) by the district attorney not less than thirty days from the date the
18 motion is filed.

19 (d) If the court finds that the movant was convicted of a felony, that the
20 verdict was non-unanimous, that the movant is still under sentence, and that the
21 district attorney has not noticed an intent to retry the movant, the court shall order
22 a resentencing hearing.

23 (2)(a) Unless otherwise agreed to by all of the parties and the court:

24 (i) A contradictory hearing on the motion for resentencing shall be set not
25 less than sixty days after the filing.

26 (ii) Notice of the hearing date shall be served on all parties and the victim
27 in accordance with Code of Civil Procedure Articles 1313(C) or 1314 not less than
28 thirty days prior to the hearing. The victim has the right to be present and to submit
29 written or oral impact statements.

1 (b) For good cause shown, the court may order a continuance of the hearing.

2 (c) In all cases, the court shall state on the record or in writing the reasons
3 for granting or denying the motion. If an appealable judgment is rendered, a party
4 may request written reasons for judgment as provided in Code of Civil Procedure
5 Article 1917.

6 D.(1) The court shall conduct a full resentencing hearing as is necessary for
7 the court to impose a particularly tailored legal sentence.

8 (2)(a) After consideration of all evidence, if the court grants the motion, the
9 court shall vacate the original sentence and impose a new sentence.

10 (b) For any conviction for which no responsive verdict is provided pursuant
11 to Article 814, the court shall impose a sentence of imprisonment of not less than
12 twenty years and not more than forty years.

13 (3)(a) There shall be a rebuttable presumption that a new sentence that is no
14 greater than the maximum term of imprisonment authorized at the time of conviction
15 for the most serious lesser included offense of which the defendant could have been
16 convicted as set forth in Article 814 is proper.

17 (b) The district attorney may rebut the presumption by establishing, by clear
18 and convincing evidence, that a sentence equal to one and one-half times the
19 maximum sentence for the most serious lesser included offense is warranted and is
20 not excessive.

21 (4) No sentence imposed pursuant to this Article shall be enhanced nor used
22 to enhance any prior conviction as a habitual offender.

23 (5) The defendant shall receive full credit for all time served.

24 (6) The court may set the provisions deemed appropriate regarding parole
25 eligibility and may grant parole eligibility for any sentence that the court deems
26 appropriate.

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)]

HB 219 Original

2026 Regular Session

Owen

Abstract: Permits the review of the sentence of a defendant convicted by a non-unanimous jury verdict.

Present law allows a criminal defendant to seek review and amendment of a sentence in limited circumstances.

Proposed law retains present law.

Proposed law provides that the legislature recognizes the La. Supreme Court decision in State v. Reddick, 2021-KP-01893 (La. 10/21/22), 351 So.3d 273, which declared that defendants convicted by a non-unanimous jury were unconstitutional.

Proposed law provides that it is the intent of the legislature to create a broader subset of individuals who are eligible for post-conviction review of sentences imposed by a non-unanimous jury.

Proposed law allows a criminal defendant to seek the review and amendment of a sentence based upon a non-unanimous jury verdict. Allows the court to vacate or resentence a defendant.

Proposed law requires a hearing to be set within 60 days if the court finds that the defendant was convicted of a felony, that the verdict was non-unanimous, that the defendant is still under sentence, and that the district attorney has not noticed an intent to retry the defendant.

Proposed law requires that all parties and the victim are notified within 30 days of the hearing. Further provides that the victim has the right to be present and to submit written or oral impact statements.

Proposed law provides for a rebuttable presumption that a new sentence that is no greater than the maximum term of imprisonment authorized at the time of conviction for the most serious lesser included offense of which the defendant could have been convicted is proper. Allows the district attorney to rebut the presumption by establishing, by clear and convincing evidence, that a sentence equal to one and one-half times the maximum sentence for the most serious lesser included offense is warranted and is not excessive.

Proposed law provides that no sentence imposed shall be enhanced nor used to enhance any prior conviction as a habitual offender, that the defendant shall receive full credit for all time served, and that the court may set the provisions deemed appropriate regarding parole eligibility and may grant parole eligibility for any sentence that the court deems appropriate.

(Adds C.Cr.P. Art. 930.12)