

2018 Regular Session

HOUSE BILL NO. 365

BY REPRESENTATIVE JORDAN

CRIMINAL/JURY TRIALS: Provides relative to a unanimous jury in felony cases

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 782(A), relative to jury trials in
3 felony cases; to provide relative to jury concurrence; to provide for contingent
4 effectiveness; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 782(A) is hereby amended and
7 reenacted to read as follows:

8 Art. 782. Number of jurors composing jury; number which must concur; waiver

9 A. ~~Cases~~ A case in which punishment may be capital shall be tried by a jury
10 of twelve jurors, all of whom must concur to render a verdict. ~~Cases~~ A case for an
11 offense committed prior to January 1, 2019, in which punishment is necessarily
12 confinement at hard labor shall be tried by a jury composed of twelve jurors, ten of
13 whom must concur to render a verdict. A case for an offense committed on or after
14 January 1, 2019, in which the punishment is necessarily confinement at hard labor
15 shall be tried before a jury of twelve persons, all of whom must concur to render a
16 verdict. ~~Cases~~ A case in which the punishment may be confinement at hard labor
17 shall be tried by a jury composed of six jurors, all of whom must concur to render a
18 verdict.

19 * * *

1 Section 2. This Act shall take effect and become operative on January 1, 2019, if and
2 when the proposed amendment of Article I, Section 17(A) of the Constitution of Louisiana
3 contained in the Act which originated as House Bill No. 354 of this 2018 Regular Session
4 of the Legislature or the Act which originated as Senate Bill No. 243 of this 2018 Regular
5 Session of the Legislature is adopted at a statewide election and becomes effective.

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 365 Engrossed

2018 Regular Session

Jordan

Abstract: Requires a unanimous jury vote in all felony cases for offenses committed on or after Jan. 1, 2019.

Present law requires a unanimous jury vote in cases in which punishment may be capital, but requires 10 of 12 jurors to concur in other felony cases.

Proposed law retains present law relative to noncapital felony cases for offenses committed prior to Jan. 1, 2019, but amends present law to provide that a unanimous verdict is required in cases for noncapital felony offenses committed on or after Jan. 1, 2019.

Provides that proposed law is effective if and when the proposed constitutional amendment (HB No. 354 or SB No. 243 of the 2018 R.S.) to La. Const. Art. I, § 17(C) is adopted at a statewide election and becomes effective.

(Amends C.Cr.P. Art. 782(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Amend proposed law to provide that present law will apply to noncapital felony cases for offenses committed prior to Jan. 1, 2019, and to provide that a unanimous verdict is required in cases for noncapital felony offenses that are committed on or after Jan. 1, 2019.
2. Provide that proposed law is contingent upon the adoption of a constitutional amendment to La. Const. Art. I, §17(C).