

RÉSUMÉ DIGEST

ACT 335 (HB 699)

2018 Regular Session

Stagni

Existing law authorizes the court, if requested by the state or the defendant, to poll the jury after returning its verdict.

Prior law provided for a procedure by which the jury may be polled orally or in writing. In this regard, prior law provided that oral polling of the jurors consisted of the clerk's calling each juror by name, announcing to each juror the verdict returned, and asking each juror "Is this your verdict?".

Under the written polling procedure, existing law requires the clerk to hand to each juror a separate piece of paper containing the name of the juror and the words "Is this your verdict?", upon which the juror shall write the word "Yes" or "No" and his signature.

Existing law provides that if, upon polling all of the jurors, the number of jurors required by law to find a verdict answer "Yes," the court shall order the clerk to record the verdict and the jury shall be discharged. However, if, upon polling all of the jurors, the number required to find a verdict do not answer "Yes," the jury may be remanded for further deliberation, or the court may declare a mistrial in accordance with existing law.

New law amends prior law to remove the authority of the court to conduct an oral poll of the jury after a verdict is rendered, and to require that the poll be conducted in open court.

With respect to the conducting of a written poll of the jury after a verdict is rendered, new law retains existing law but provides that the polling slips used to conduct the poll may be placed under seal upon order of the court. Further provides that the slips shall not be released to the public without a subsequent order of the court authorizing their release. If the court orders the release of the polling slips, new law requires the names of the jurors to be redacted.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 812)