

2019 Regular Session

HOUSE BILL NO. 477

BY REPRESENTATIVE DUBUISSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to jury trials

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 795(C), relative to jury trials; to
3 provide relative to peremptory challenges based on race or gender; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 795(C) is hereby amended and
7 reenacted to read as follows:

8 Art. 795. Time for challenges; method; peremptory challenges based on race or
9 gender; restrictions

10 * * *

11 C. No peremptory challenge made by the state or the defendant shall be
12 ~~based solely upon~~ motivated in substantial part on the basis of the race or gender of
13 the juror. If an objection is made that ~~the state or defense has excluded a juror solely~~
14 a challenge was motivated in substantial part on the basis of race or gender, and a
15 prima facie case supporting that objection is made by the objecting party, the court
16 ~~may~~ shall demand a satisfactory race or gender neutral reason for the exercise of the
17 challenge, ~~unless the court is satisfied that such reason is apparent from the voir dire~~
18 ~~examination of the juror~~. Such demand and disclosure, ~~if required by the court~~, shall
19 be made outside of the hearing of any juror or prospective juror. The court shall then

1 determine whether the challenge was motivated in substantial part on the basis of
2 race or gender.

3 * * *

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 477 Original

2019 Regular Session

DuBuisson

Abstract: Amends the basis for which a peremptory challenge is used by the state or defense and requires the court to demand a satisfactory race or gender neutral reason for the exercise of the challenge.

Present law provides that no peremptory challenge made shall be based solely upon the race or gender of the juror.

Present law further provides that if an objection is made that the state or defense has excluded a juror solely on race or gender, the court may demand a satisfactory race or gender neutral reason for the exercise of the challenge, unless the court is satisfied that such reason is apparent from the voir dire examination of the juror.

Present law also provides that if required by the court, such demand and disclosure shall be made outside of the hearing of any juror or prospective juror.

Proposed law amends present law to provide that no peremptory challenge shall be motivated in substantial part on the basis of the race or gender of the juror.

Proposed law amends present law to require the court to demand a satisfactory race or gender neutral reason for the exercise of the challenge regardless of whether it is satisfied that such reason is apparent from the voir dire examination of the juror. Proposed law further requires the court to make a determination of whether the challenge was motivated in substantial part on the basis of race or gender.

(Amends C.Cr.P. Art. 795(C))