
DIGEST

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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))