

## RÉSUMÉ DIGEST

ACT 235 (HB 477)

2019 Regular Session

DuBuisson

Prior law prohibited a peremptory challenge from being based solely upon the race or gender of the juror.

Prior law further provided that if an objection was made that the state or defense had excluded a juror solely on race or gender, the court was authorized to demand a satisfactory race or gender neutral reason for the exercise of the challenge, unless the court was satisfied that such reason was apparent from the voir dire examination of the juror.

Prior law also provided that if required by the court, such demand and disclosure was required to be made outside of the hearing of any juror or prospective juror.

New law changes prior law to provide that no peremptory challenge shall be motivated in substantial part on the basis of the race or gender of the juror.

New law changes prior 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. New law requires the demand and disclosure to be made outside of the hearing of any juror or prospective juror regardless of whether the court requires it.

New 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.

Effective August 1, 2019.

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