

SENATE RESOLUTION NO. 183

BY SENATORS DUPLESSIS AND BOUDREAUX

A RESOLUTION

To create and provide for the commission to study and make recommendations relative to non-unanimous jury verdicts in Louisiana, to determine the number and distribution of such cases, and to inform the Senate of the Legislature of Louisiana of its findings.

WHEREAS, from 1898 until 2019, the state of Louisiana permitted criminal convictions based on non-unanimous jury verdicts; and

WHEREAS, Louisiana and Oregon were the only two states in the United States that allowed such convictions; and

WHEREAS, in 2018, the citizens of Louisiana voted to amend the state constitution to require unanimous jury verdicts in felony trials, an amendment that applied prospectively and did not address the retroactive application of this right; and

WHEREAS, in 2020, the United States Supreme Court ruled in *Ramos v. Louisiana*, 590 U.S. ____ (2020), that non-unanimous jury verdicts violate the Sixth Amendment of the United States Constitution, with Justice Neil Gorsuch writing, "The Constitution forbids states from using non-unanimous juries", and further noting, "a verdict taken from 11 was no verdict at all"; and

WHEREAS, in *State v. Reddick*, 2022-00184 (La. 6/29/22), 347 So.3d 844, the Louisiana Supreme Court held that it would not expand retroactivity beyond the scope approved by voters in 2018, but acknowledged that the legislature has the authority to provide broader relief; and

WHEREAS, the state of Louisiana continues to incarcerate individuals who were convicted by non-unanimous jury verdicts prior to the constitutional amendment and the *Ramos* decision; and

WHEREAS, the full scope of the impact, including the number of such cases, the geographic distribution of cases, and sentencing details, remains undetermined; and

WHEREAS, the Louisiana Legislature must have a comprehensive understanding of this issue in order to consider and implement appropriate legislative remedies.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby establish and provide for the Commission on Non-unanimous Verdicts to study and make recommendations relative to non-unanimous jury verdicts in Louisiana, to determine the number and distribution of such cases, and to propose recommendations, together with specific proposals for legislation, by written report to the Senate and to the David R. Poynter Legislative Research Library as required by R.S. 24:771 and 772, no later than February 1, 2026.

BE IT FURTHER RESOLVED that the Senate Committee on Judiciary B shall provide staff support to the commission.

BE IT FURTHER RESOLVED that the commission shall consist of the following members:

- (1) Two members of the Senate Committee on Judiciary B appointed by the chair.
- (2) The executive director of the Louisiana District Attorneys Association, or his designee.
- (3) An attorney appointed by the president of the board of directors of The Promise of Justice Initiative.
- (4) The director of The Juror Project, or his designee;
- (5) A representative of the Louisiana Supreme Court appointed by the chief justice.
- (6) A victim's rights advocate jointly appointed by the chief of state advocacy for the Crime Survivors for Safety and Justice and the founder of Crime Survivors NOLA.

BE IT FURTHER RESOLVED that each designating authority shall submit the names of commission designees to the chair of the Senate Committee on Judiciary B no later than September 1, 2025.

BE IT FURTHER RESOLVED the commission shall convene for its first meeting no later than October 1, 2025, at the call of the chair of the Senate Committee on Judiciary B, and at the first meeting, the members shall elect a chairman and other officers as the commission may deem appropriate.

BE IT FURTHER RESOLVED the commission establish methods and criteria to collect data necessary to produce the required findings, including but not limited to court records, legal filings, and jury polling slips.

BE IT FURTHER RESOLVED that any individual incarcerated in Louisiana who believes they were convicted by a non-unanimous jury may submit their case and supporting documentation to the commission for review. The commission shall establish a procedure to receive and assess these submissions.

BE IT FURTHER RESOLVED that a majority of the commission shall constitute a quorum for the transaction of business; and all official actions of the commission shall require the affirmative vote of a majority of the members present.

BE IT FURTHER RESOLVED that the members of the commission shall serve without compensation, except per diem or expense reimbursement to which they may be individually entitled as members of their constituent organizations.

BE IT FURTHER RESOLVED that the commission shall terminate on the date of the submission of its report or February 1, 2026, whichever occurs first.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the chair of the Senate Committee on Judiciary B, the executive director of the Louisiana District Attorneys Association, the president of the board of directors of The Promise of Justice Initiative, the director of The Juror Project, the chief justice of the Louisiana Supreme Court, the chief of state advocacy for the Crime Survivors for Safety and Justice, and the founder of Crime Survivors NOLA.

PRESIDENT OF THE SENATE