

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 35

BY REPRESENTATIVE VILLIO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to conduct a review of particular misdemeanors, also known as "Duncan misdemeanors", that are located throughout the Louisiana Revised Statutes.

WHEREAS, R.S. 14:2(A)(6) defines a misdemeanor as any crime other than a felony; and

WHEREAS, the maximum penalty for a misdemeanor is six months imprisonment, a fine of one thousand dollars, or both; and

WHEREAS, Code of Criminal Procedure Article 779(B) provides that a defendant who is charged with a misdemeanor shall be tried by the court without a jury; and

WHEREAS, in 1968, the United States Supreme Court ruled in *Duncan v. Louisiana* that a trial by jury in criminal cases is required when the penalty authorized for the particular crime is severe enough to classify it as a serious offense; and

WHEREAS, after the ruling in *Duncan*, the Legislature of Louisiana amended Code of Criminal Procedure Article 779 to provide the right to a jury trial for a defendant charged with a misdemeanor when the punishment, as set forth in the statute defining the offense, may be a fine in excess of one thousand dollars or imprisonment for more than six months; and

WHEREAS, these particular misdemeanors are also known as "Duncan misdemeanors"; and

WHEREAS, over one hundred twenty Duncan misdemeanors are contained throughout the entirety of the Louisiana Revised Statutes; and

WHEREAS, notwithstanding Code of Criminal Procedure Article 779, the jury system in Louisiana is not structured in a manner to implement jury trials for misdemeanor offenses; and

WHEREAS, misdemeanors with consistent penalty ranges ensure that defendants do not face severe penalties for petty offenses and that district attorneys are able to prosecute misdemeanors within the safeguards of due process.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to conduct a review of particular misdemeanors, also known as "Duncan misdemeanors", that are located throughout the Louisiana Revised Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE