

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 334

2016 Regular Session

Claitor

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIMINAL PROCEDURE. Repeals certain provisions in the Code of Criminal Procedure that have been declared unconstitutional. (8/1/16)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

- 1. Adds repeal relative to the rotation and selection of grand juries in Orleans Parish, which were held to be unconstitutional by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 334 Reengrossed

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Present law (La. Const. Art. 3, §12(A)(3)) prohibits the enactment of local laws concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

Present law (C.Cr.P. Art. 412) provides for drawing grand jury venire and subpoena of veniremen in Orleans Parish.

Proposed law repeals this provision of present law held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (C.Cr.P. Art. 413) provides for the method of impaneling of grand jury and the selection of a foreman. The sheriff or his designee, or the clerk or a deputy clerk of court, or in Orleans Parish, the jury commissioner shall draw indiscriminately and by lot from the envelope containing the remaining names on the grand jury venire a sufficient number of names to complete the grand jury.

Proposed law amends present law to remove the provisions which specifically apply to the impaneling of grand juries in Orleans Parish that were held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (C.Cr.P. Art. 414(B)) provides for the time for impaneling grand juries. Present law provides that in parishes other than Orleans, the court shall fix the time at which a grand jury shall be impaneled, but no grand jury shall be impaneled for more than eight months, nor less than four months.

Proposed law amends present law to remove the provisions which specifically apply to the time for impaneling of grand juries in Orleans Parish that were held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (C.Cr.P. Art. 414(C)) provides that in Orleans Parish, a grand jury venire shall be drawn by the jury commission on the date set by the presiding judge.

Proposed law repeals this provision of present law held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (R.S. 15:114) provides for the rotation and selection of grand juries in Orleans Parish.

Proposed law repeals this provision of present law held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

(Amends C.Cr.P. Arts. 413(B) and 414(B); Repeals R.S. 15:114 and C.Cr.P. Arts. 412 and 414(C))

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