

RÉSUMÉ DIGEST

ACT 389 (SB 334)

2016 Regular Session

Claitor

Prior law (La. Const. Art. 3, §12(A)(3)) prohibited 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.

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

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

Prior law (C.Cr.P. Art. 413) provided 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.

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

Prior law (C.Cr.P. Art. 414(B)) provided for the time for impaneling grand juries. Prior law provided 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.

New law amends prior 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).

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

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

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

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

Effective August 1, 2016.

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