
DIGEST

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HB 699 Original

2018 Regular Session

Stagni

Abstract: Removes the requirement that a juror's name be announced and the requirement that the juror's name and signature be included on the slip of paper used when conducting a poll of the jury after a verdict is returned.

Present law authorizes the court, if requested by the state or the defendant, to poll the jury after returning its verdict.

Present law provides for a procedure by which the jury may be polled orally or in writing. Oral polling of the jurors consists of the clerk's calling each juror by name, announcing to each juror the verdict returned, and asking each juror "Is this your verdict?". Under the written polling procedure, present law requires the clerk to hand to each juror a separate piece of paper containing the name of the juror and the words "Is this your verdict?", upon which the juror shall write the word "Yes" or "No" and his signature.

Proposed law amends present law to delete the requirement that the clerk call each juror by name when conducting an oral poll and to delete the requirement that the name of the juror and the juror's signature be included on the slip of paper when conducting the written poll.

Present law provides that if, upon polling all of the jurors, the number of jurors required by law to find a verdict answer "Yes," the court shall order the clerk to record the verdict and the jury shall be discharged. However, if, upon polling all of the jurors, the number required to find a verdict do not answer "Yes," the jury may be remanded for further deliberation, or the court may declare a mistrial in accordance with present law.

In this regard, proposed law retains present law.

(Amends C.Cr.P. Art. 812)