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## DIGEST

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HB 699 Engrossed

2018 Regular Session

Stagni

**Abstract:** After a verdict is rendered, removes the requirement that a juror's name be announced during an oral poll of the jury and requires that the slip of paper used for a written poll be placed under seal and only be released upon order of the court.

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 adds that the slip of paper used to conduct the written poll shall be placed under seal in the court record and shall not be released except by order of the court.

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)

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Amend proposed law relative to the conducting of a written poll of the jury to retain the present law requirement that a slip of paper contain the name of the juror and the juror's

signature, but provides that such slip of paper shall be placed under seal in the court record and not be released except upon order of the court.