
DIGEST

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HB 699 Reengrossed

2018 Regular Session

Stagni

Abstract: Removes the court's authority to conduct an oral poll of the jury after a verdict is rendered, and authorizes the court to place under seal the slip of paper used for conducting a written poll.

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.

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.

Proposed law removes the authority of the court to conduct an oral poll of the jury after a verdict is rendered.

With respect to the conducting of a written poll of the jury after a verdict is rendered, proposed law retains present law but provides that the polling slips used to conduct the poll may be placed under seal upon order of the court. Further provides that the slips shall not be released to the public without a subsequent order of the court authorizing their release.

(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.

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the authority of the court to conduct an oral poll of the jury after a verdict is rendered.
2. Restore present law relative to the conducting of a written poll of the jury after a verdict is rendered.
3. Amend proposed law to authorize, instead of require, the placement of the polling slips under seal, and to require the court to state specific reasons for placing the polling slips under seal.