

2020 Regular Session

HOUSE RESOLUTION NO. 16

BY REPRESENTATIVE JAMES

CRIMINAL/JUSTICE: Continues the Vera Institute of Justice's study of eligibility and qualification requirements for jurors

1 A RESOLUTION

2 To urge and request the Vera Institute of Justice to continue its study of the eligibility  
3 requirements for jurors set forth in the Code of Criminal Procedure and the impact  
4 of those requirements on the ability of a jury commission to create a source list of  
5 potential jurors that comports with the Sixth Amendment to the Constitution of the  
6 United States and Article I, Section 17 of the Constitution of Louisiana.

7 WHEREAS, the Sixth Amendment to the Constitution of the United States grants  
8 criminal defendants the right to a trial by an impartial jury consisting of jurors from the state  
9 and district in which the crime was alleged to have been committed; and

10 WHEREAS, this right to be judged by a jury of one's peers is the most fundamental  
11 right of our criminal legal system and, to ensure that defendants going to trial are provided  
12 a jury of their peers, it is vital to analyze the source lists that are used to select potential  
13 jurors that represent a fair cross-section of the community; and

14 WHEREAS, studies have demonstrated that solely utilizing voter registration and  
15 department of motor vehicle records to summon potential jurors is deficient in ensuring the  
16 defendant's right to have his case tried before a jury of his peers; and

17 WHEREAS, national studies on mock juries and group decision-making demonstrate  
18 that with an increase in diversity of the group decision-makers there is also an increase in  
19 objective decision-making, accurate verdicts, and fairness; and

1           WHEREAS, transparency is central to good governance, to the understanding of how  
2 community members are selected to sit on juries, and to ensuring that eligible persons are  
3 not unduly excluded; and

4           WHEREAS, under Louisiana law, in order to qualify to serve as a juror, a person  
5 must not be under indictment for a felony nor have been convicted of a felony for which he  
6 has not been pardoned by the governor; and

7           WHEREAS, the exclusion of formerly incarcerated persons from juries has been  
8 rooted in an unverified notion that formerly incarcerated persons harbor an inherent bias and  
9 lack the necessary character to serve on a jury; and

10           WHEREAS, a recent mock-jury study involving formerly incarcerated persons and  
11 persons who have never been incarcerated found that these two groups vote similarly, and  
12 further found that the formerly incarcerated persons outperformed their non-formerly  
13 incarcerated peers; they were more likely to introduce new facts, and participated in  
14 deliberations for a greater amount of time; and

15           WHEREAS, this study also concluded that the formerly incarcerated persons were  
16 equally as likely to convict as their non-formerly incarcerated peers; and

17           WHEREAS, through House Resolution No. 219 of the 2019 Regular Session of the  
18 Legislature, the House of Representatives requested the Vera Institute of Justice to conduct  
19 a study of the current eligibility requirements for jurors and the impact of those requirements  
20 on the creation of source lists of potential jurors.

21           THEREFORE, BE IT RESOLVED that the House of Representatives of the  
22 Legislature of Louisiana does hereby urge and request the Vera Institute of Justice to  
23 continue its study of the eligibility requirements for jurors set forth in the Code of Criminal  
24 Procedure and the impact of those requirements on the ability of a jury commission to create  
25 a source list of potential jurors that comports with the Sixth Amendment to the Constitution  
26 of the United States and Article I, Section 17 of the Constitution of Louisiana.

27           BE IT FURTHER RESOLVED that, in this regard, the Vera Institute of Justice may  
28 work with and receive information from various stakeholders in the criminal legal system,  
29 including but not limited to the Louisiana Clerks of Court Association, the Louisiana District  
30 Judges Association, the Louisiana Public Defender Board, the Louisiana District Attorneys

1 Association, the office of motor vehicles of the Department of Public Safety and  
2 Corrections, and the secretary of state.

3 BE IT FURTHER RESOLVED that the Vera Institute of Justice may also study  
4 relevant case law and national practices to better understand other approaches of curating  
5 a representative jury of one's peers.

6 BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the  
7 Vera Institute of Justice.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HR 16 Original

2020 Regular Session

James

Requests the Vera Institute of Justice to continue its study of the eligibility requirements for jurors set forth in the Code of Criminal Procedure and the impact of those requirements on the ability of a jury commission to create a source list of potential jurors that comports with the Sixth Amendment to the U.S. Constitution and Article I, §17 of the La. Constitution.