

2023 Regular Session

HOUSE BILL NO. 271

BY REPRESENTATIVE NELSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to sequestration of jurors

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 791(C), relative to trial by jury;
3 to provide relative to sequestration of jurors and jury; to provide relative to
4 sequestration of jurors in noncapital cases; to provide relative to separation without
5 sequestration; to provide relative to instructions by the court; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 791(C) is hereby amended and
9 reenacted to read as follows:

10 Art. 791. Sequestration of jurors and jury

11 * * *

12 C.(1) In noncapital cases, the jury shall be sequestered ~~after the court's~~
13 ~~charge~~ during active deliberations and may be sequestered at any time upon order of
14 the court.

15 (2) At any time after the court's charge, and after notice to the parties and
16 affording the parties an opportunity to be heard on the record outside the presence
17 of the jury, the court may declare the deliberations to be in recess and may then
18 direct the jury to suspend its deliberations, to separate without sequestration, and to
19 return for continued deliberations on the next day of operation of the court. Before
20 each recess, the court shall admonish the jury as provided in Subparagraph (3) of this

1 Paragraph and direct it to not resume its deliberations until all twelve jurors have
2 reassembled in the designated place at the termination of the declared recess.

3 (3)(a) Upon the court's charge to suspend deliberations and to separate
4 without sequestration, the court shall admonish the jury as follows:

5 (i) Deliberations shall be conducted only in the jury room when all jurors are
6 present. All deliberations shall cease and shall not resume until all of the jurors have
7 returned to the jury room.

8 (ii) During the recess, jurors shall not converse with any person about
9 anything related to the case.

10 (iii) Jurors remain under obligation to not request, accept, agree to accept,
11 or discuss with any person regarding the receiving or accepting of any payment or
12 benefit in return for supplying information concerning the trial.

13 (iv) Jurors shall promptly report directly to the court any incident within
14 their knowledge involving an attempt by any person to improperly influence any
15 member of the jury.

16 (v) Jurors shall not visit or view the premises or place where the charged
17 crime was allegedly committed or any other premises or place involved in the case.

18 (vi) Jurors shall not read, view, or listen to any accounts or discussions of the
19 case reported by newspapers, television, radio, the internet, or any other news media
20 outlet.

21 (vii) Jurors shall not attempt to research any fact, issue, or law related to the
22 case, whether by discussion with others, by research in a library or on the internet,
23 or by any other means or source.

24 (b) Upon the jurors returning from any recess, the court shall verify with
25 each juror on the record that he followed the admonition.

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)]

HB 271 Original

2023 Regular Session

Nelson

Abstract: Relative to sequestration of jurors and jury in noncapital cases, requires the jury to be sequestered during active deliberations and provides relative to the court's charge to suspend deliberations and separate without sequestration.

Present law provides that in noncapital cases, the jury is required to be sequestered after the court's charge and may be sequestered at any time upon order of the court.

Proposed law amends present law to require the jury to be sequestered during active deliberations.

Proposed law further provides that at any time after the court's charge, and after notice to the parties and affording the parties an opportunity to be heard on the record outside the presence of the jury, the court may declare the deliberations to be in recess and may then direct the jury to suspend its deliberations, to separate without sequestration, and to return for continued deliberations on the next day of operation of the court.

Proposed law requires the court to admonish the jury as follows:

- (1) Deliberations shall be conducted only in the jury room when all jurors are present. All deliberations shall cease and shall not resume until all of the jurors have returned to the jury room.
- (2) During the recess, jurors shall not converse with any person about anything related to the case.
- (3) Jurors remain under obligation to not request, accept, agree to accept, or discuss with any person regarding the receiving or accepting of any payment or benefit in return for supplying information concerning the trial.
- (4) Jurors shall promptly report directly to the court any incident within their knowledge involving an attempt by any person to improperly influence any member of the jury.
- (5) Jurors shall not visit or view the premises or place where the charged crime was allegedly committed or any other premises or place involved in the case.
- (6) Jurors shall not read, view, or listen to any accounts or discussions of the case reported by newspapers, television, radio, the internet, or any other news media outlet.
- (7) Jurors shall not attempt to research any fact, issue, or law related to the case, whether by discussion with others, by research in a library or on the internet, or by any other means or source.

Proposed law further requires the court to verify with each juror on the record that he followed the admonition.

(Amends C.Cr.P. Art. 791(C))