

2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 6

BY REPRESENTATIVE CHARLES OWEN

CRIMINAL/TRIALS: Authorizes and directs the adjutant general of the Louisiana National Guard to determine if application of the current procedures of the Uniform Code of Military Justice may result in a nonunanimous verdict and to take the necessary actions to prevent such verdicts

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana National Guard to study its Rules of Court that could
3 result in nonunanimous verdicts in court-martial findings and to provide remedial
4 proposals for legislation.

5 WHEREAS, the Louisiana National Guard is a military service composed of the
6 Louisiana Army National Guard, the Louisiana Air National Guard, and the Louisiana State
7 Guard governed by the provisions of the Uniform Code of Military Justice (UCMJ) and led
8 by an adjutant general appointed by the governor of Louisiana; and

9 WHEREAS, the UCMJ is the foundation for military law that outlines criminal
10 offenses and defines the military justice system; and

11 WHEREAS, the state of Louisiana, as a sovereign state with significant
12 independence from the federal government, provides a Uniform Code of Military Justice in
13 Title 29 of the Louisiana Revised Statutes of 1950 that models the UCMJ; and

14 WHEREAS, the articles of the UCMJ maintain provisions which could result in
15 nonunanimous verdicts in court-martial findings; and

16 WHEREAS, in the case of *Ramos v. Louisiana*, 140 S. Ct. 1390, 206 L.Ed.2d 583
17 (2020), unanimous verdicts are required in all jurisdictions of the United States; and

18 WHEREAS, the state of Louisiana intends to enforce the decision in *Ramos v.*
19 *Louisiana*, 140 S. Ct. 1390, 206 L.Ed.2d 583 (2020) pursuant to the laws of this state.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 authorize and direct the adjutant general of the Louisiana National Guard to conduct a study
3 to determine whether the Uniform Code of Military Justice authorizes nonunanimous
4 verdicts and provide findings and recommendations to remedy such conflict of law.

5 BE IT FURTHER RESOLVED that the Legislature requests the governor of
6 Louisiana to issue a directive to the adjutant general to suspend court-martial proceedings
7 which could result in nonunanimous verdicts.

8 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
9 governor and the adjutant general.

10 BE IT FURTHER RESOLVED that one print copy and one electronic copy of any
11 report produced pursuant to this Resolution shall be submitted to the David R. Poynter
12 Legislative Research Library as required by R.S. 24:772.

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)]

HCR 6 Original

2023 Regular Session

Charles Owen

Authorizes and directs the adjutant general of the La. National Guard to conduct a study of the current procedures of the Uniform Code of Military Justice which may result in a nonunanimous verdict and to take the necessary actions to prevent such verdicts.