HLS 24RS-3830 ORIGINAL

2024 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 118

BY REPRESENTATIVE KNOX

CRIMINAL/PROCEDURE: Requests the La. District Attorneys Association to study certain information relative to nonunanimous jury verdicts

A CONCURRENT RESOLUTION

| 2  | To urge and request the Louisiana District Attorneys Association, with the support of the |
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| 3  | forty-two Louisiana judicial district clerks of court and the Promise of Justice          |
| 4  | Initiative, to clarify and provide conviction and sentencing information regarding        |
| 5  | persons incarcerated due to nonunanimous jury verdicts.                                   |
| 6  | WHEREAS, the Legislature of Louisiana recognizes that nine hundred thirty-eight           |
| 7  | thousand one hundred eighty-two voters, sixty-four percent, in Louisiana chose to end the |
| 8  | practice of nonunanimous jury verdicts on November 6, 2018; and                           |
| 9  | WHEREAS, the United States Supreme Court held in Ramos v. Louisiana, 140 S.               |
| 10 | Ct. 1390, 206 L.Ed.2d 583 (2020), that "the Sixth Amendment right to a jury trial - as    |
| 11 | incorporated against the states by way of the Fourteenth Amendment - requires a unanimous |
| 12 | verdict to convict a defendant of a serious offense"; and                                 |
| 13 | WHEREAS, the United States Supreme Court relied on the common law right of jury           |
| 14 | unanimity, emerging in fourteenth century England, and its appearance in early American   |
| 15 | state constitutions as the backdrop of the Sixth Amendment, and the court has commented   |
| 16 | on the Sixth Amendment unanimity requirement no fewer than thirteen times over more than  |
| 17 | one hundred twenty years; and   |
| 18 | WHEREAS, the United States Supreme Court held in Edwards v. Vannoy, 593 U.S.              |
| 19 | 255, 141 S.Ct. 1547, 209 L.Ed.2d 651 (2021), that people imprisoned under nonunanimous    |
| 20 | jury verdicts will not receive retroactive relief, leaving the decision to the Louisiana  |
| 21 | Legislature; and  |

| 1  | WHEREAS, the Promise of Justice Initiative is a nonprofit legal firm representing         |
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| 2  | clients in both Ramos v. Louisiana, 140 S. Ct. 1390, 206 L.Ed.2d 583 (2020), Edwards v.   |
| 3  | Vannoy, 593 U.S. 255, 141 S.Ct. 1547, 209 L.Ed.2d 651 (2021), and many others under its   |
| 4  | "Jim Crow Jury Project"; and  |
| 5  | WHEREAS, a range of statistics, from eight hundred to one thousand five hundred,          |
| 6  | has emerged as to how many people are currently in prison based on a nonunanimous jury    |
| 7  | verdict; and  |
| 8  | WHEREAS, no definitive list has been produced regarding the parish of conviction,         |
| 9  | the guilty charges, and other relevant data.  |
| 10 | THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby                   |
| 11 | urge and request the Louisiana District Attorneys Association (LDAA), with the support of |
| 12 | the Louisiana Clerks of Court Association and the Promise of Justice Initiative (PJI), to |
| 13 | compile the following data:   |
| 14 | (1) A list of incarcerated people whom the LDAA and PJI agree were convicted              |
| 15 | under a nonunanimous jury.  |
| 16 | (2) A list of incarcerated people whom one of LDAA or PJI believe were convicted          |
| 17 | under a nonunanimous jury.  |
| 18 | (3) For each person under Paragraphs (1) and (2), all of the following information        |
| 19 | that is available:  |
| 20 | (a) Age.  |
| 21 | (b) Parish of conviction.   |
| 22 | (c) Charges resulting in convictions.   |
| 23 | (d) Charges submitted to the jury.  |
| 24 | (e) Sentence.   |
| 25 | (f) Time served on the sentence.  |
| 26 | (g) Possible release date.  |
| 27 | BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the               |
| 28 | president of the Louisiana Clerks of Court Association, the executive director of the     |
| 29 | Louisiana District Attorneys Association, and the executive director of the Promise of    |
| 30 | Justice Initiative.   |

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BE IT FURTHER RESOLVED that one print copy and one electronic copy of any

- 2 report produced pursuant to this Resolution shall be submitted to the David R. Poynter
- 3 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 118 Original

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