

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 35

BY REPRESENTATIVE VILLIO

CRIME/MISDEMEANOR: Requests the La. State Law Institute to conduct a review of "Duncan misdemeanors" that are located throughout the La. Revised Statutes

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to conduct a review of particular
3 misdemeanors, also known as "Duncan misdemeanors", that are located throughout
4 the Louisiana Revised Statutes.

5 WHEREAS, R.S. 14:2(A)(6) defines a misdemeanor as any crime other than a
6 felony; and

7 WHEREAS, the maximum penalty for a misdemeanor is six months imprisonment,
8 a fine of one thousand dollars, or both; and

9 WHEREAS, Code of Criminal Procedure Article 779(B) provides that a defendant
10 who is charged with a misdemeanor shall be tried by the court without a jury; and

11 WHEREAS, in 1968, the United States Supreme Court ruled in *Duncan v. Louisiana*
12 that a trial by jury in criminal cases is required when the penalty authorized for the particular
13 crime is severe enough to classify it as a serious offense; and

14 WHEREAS, after the ruling in *Duncan*, the Legislature of Louisiana amended Code
15 of Criminal Procedure Article 779 to provide the right to a jury trial for a defendant charged
16 with a misdemeanor when the punishment, as set forth in the statute defining the offense,
17 may be a fine in excess of one thousand dollars or imprisonment for more than six months;
18 and

19 WHEREAS, these particular misdemeanors are also known as "Duncan
20 misdemeanors"; and

1 WHEREAS, over one hundred twenty Duncan misdemeanors are contained
2 throughout the entirety of the Louisiana Revised Statutes; and

3 WHEREAS, notwithstanding Code of Criminal Procedure Article 779, the jury
4 system in Louisiana is not structured in a manner to implement jury trials for misdemeanor
5 offenses; and

6 WHEREAS, misdemeanors with consistent penalty ranges ensure that defendants do
7 not face severe penalties for petty offenses and that district attorneys are able to prosecute
8 misdemeanors within the safeguards of due process.

9 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
10 urge and request the Louisiana State Law Institute to conduct a review of particular
11 misdemeanors, also known as "Duncan misdemeanors", that are located throughout the
12 Louisiana Revised Statutes.

13 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
14 director of the Louisiana State Law Institute.

15 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
16 one print copy and one electronic copy of any report produced pursuant to this Resolution
17 to the David R. Poynter 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 35 Engrossed

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