

2025 Regular Session

HOUSE RESOLUTION NO. 243

BY REPRESENTATIVE OWEN

CRIMINAL/APPEALS: To authorize and direct the legislative auditor to study the fiscal impact of establishing and operating a sentencing review panel for non-unanimous jury verdicts

1 A RESOLUTION

2 To authorize and direct the legislative auditor to analyze and determine the fiscal impact of
3 establishing and operating a sentencing review panel within the Department of
4 Public Safety and Corrections for non-unanimous jury verdicts and to reports its
5 findings to the legislature no later than December 31, 2025.

6 WHEREAS, the Louisiana Constitution of 1898 provided for trial by jury for "cases
7 in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom
8 concurring may render a verdict"; and

9 WHEREAS, in November 2018 the electors of the state of Louisiana approved a
10 constitutional amendment requiring a unanimous jury verdict in all noncapital felony cases
11 for an offense committed on or after January 1, 2019; and

12 WHEREAS, in April 2020 the United States Supreme Court held in *Ramos v.*
13 *Louisiana* that the Sixth Amendment right to a jury trial, as incorporated against the states
14 by way of the Fourteenth Amendment, requires a unanimous verdict to convict a defendant
15 of a serious offense; and

16 WHEREAS, in October 2022 the Louisiana Supreme court held in *State of Louisiana*
17 *v. Reddick* that the requirement for unanimity in jury verdicts is with prospective effect only;
18 and

1 WHEREAS, there is an interest by the public and the legislature in understanding the
2 full impact of non-unanimous jury verdicts within the state of Louisiana; and

3 WHEREAS, the legislature should give consideration to the establishment of a
4 sentencing review panel for non-unanimous jury convictions within the Department of
5 Public Safety and Corrections; and

6 WHEREAS, understanding the fiscal impact of establishing and operating a review
7 panel is essential for legislative decision-making.

8 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
9 authorize and direct the legislative auditor to analyze and determine the fiscal impact of
10 establishing and operating a sentencing review panel within the Department of Public Safety
11 and Corrections for non-unanimous jury verdicts.

12 BE IT FURTHER RESOLVED that the legislative auditor consider the following in
13 its analysis:

14 (1) Salaries for twelve panel members comprised of the following:

15 (a) Six licensed attorneys.

16 (b) Six other staff members which may include data analysts, investigators,
17 paralegals, and administrative staff.

18 (2) Operational expenses.

19 (3) Collection and analysis of sentencing data prior to January 1, 2019, case review,
20 and an offender's eligibility for pardon or commutation of sentence.

21 (4) Any other expenditures of the panel necessary to complete the review of all cases
22 within one year.

23 BE IT FURTHER RESOLVED that the legislative auditor report its findings to the
24 Speaker of the House no later than December 31, 2025.

25 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
26 Legislative Fiscal Officer, the Speaker of the House of Representatives, and the David R.
27 Poynter Legislative Research Library.

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)]

HR 243 Engrossed

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Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Change the office responsible for the fiscal analysis of establishing and operating a sentencing review panel from the Legislative Fiscal Office to the legislative auditor.