

DIGEST

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SB 334 Reengrossed

2016 Regular Session

Claitor

Present law (La. Const. Art. 3, §12(A)(3)) prohibits the enactment of local laws concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

Present law (C.Cr.P. Art. 412) provides for drawing grand jury venire and subpoena of veniremen in Orleans Parish.

Proposed law repeals this provision of present law held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (C.Cr.P. Art. 413) provides for the method of impaneling of grand jury and the selection of a foreman. The sheriff or his designee, or the clerk or a deputy clerk of court, or in Orleans Parish, the jury commissioner shall draw indiscriminately and by lot from the envelope containing the remaining names on the grand jury venire a sufficient number of names to complete the grand jury.

Proposed law amends present law to remove the provisions which specifically apply to the impaneling of grand juries in Orleans Parish that were held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (C.Cr.P. Art. 414(B)) provides for the time for impaneling grand juries. Present law provides that in parishes other than Orleans, the court shall fix the time at which a grand jury shall be impaneled, but no grand jury shall be impaneled for more than eight months, nor less than four months.

Proposed law amends present law to remove the provisions which specifically apply to the time for impaneling of grand juries in Orleans Parish that were held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (C.Cr.P. Art. 414(C)) provides that in Orleans Parish, a grand jury venire shall be drawn by the jury commission on the date set by the presiding judge.

Proposed law repeals this provision of present law held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

Present law (R.S. 15:114) provides for the rotation and selection of grand juries in Orleans Parish.

Proposed law repeals this provision of present law held unconstitutional in violation of present law (La. Const. Art. 3, §12(A)(3)) by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).

(Amends C.Cr.P. Arts. 413(B) and 414(B); Repeals R.S. 15:114 and C.Cr.P. Arts. 412 and 414(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Repeal present law (R.S. 15:114), relative to the rotation and selection of grand juries in Orleans Parish, which would held to be unconstitutional by *State v. Dilosa*, 848 So. 2d 546 (La. 2003).