

2017 Regular Session

HOUSE BILL NO. 485

BY REPRESENTATIVE JEFFERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/JURIES: Provides relative to the functions of jury commissions in certain parishes

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AN ACT

To amend and reenact Code of Criminal Procedure Article 404(A), (C), (D), (E), and (F) and to enact Code of Criminal Procedure Article 404(G) and (H), relative to jury commissions; to provide for technical corrections; to provide for the functions of the jury commission in the parishes of Claiborne, DeSoto, Union, and Webster; to transfer the functions of the jury commission to the clerks of court of Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 404(A), (C), (D), (E), and (F) are hereby amended and reenacted and Code of Criminal Procedure Article 404(G) and (H) are hereby enacted to read as follows:

Art. 404. Appointment of jury commissions; term of office; oath; quorum; performance of functions of jury commissions in certain parishes

A. ~~Except in the parish of East Baton Rouge~~ as otherwise provided in this

Article:

(1) The jury commission of each parish shall consist of the clerk of court or a deputy clerk designated by him in writing to act in his stead in all matters affecting the jury commission, and ~~five~~ four other members, each having the qualifications set

1 forth in Article 401 and appointed by written order of the district court, who shall
2 serve at the court's pleasure.

3 (2) ~~In Orleans Parish the jury commission shall be appointed by the judges~~
4 ~~en banc of the Criminal District Court of the parish of Orleans, and the jury~~
5 ~~commissioners shall serve at the pleasure of the court. Upon the effective date of the~~
6 ~~Forty-First Judicial District Court, January 1, 2009, the jury commission shall be~~
7 ~~appointed by the judges en banc of the Forty-First Judicial District Court, Criminal~~
8 ~~Division, with the concurrence of the judges en banc of the civil division of the~~
9 ~~court. The jury commissioners shall serve at the pleasure of the court. In other~~
10 ~~parishes, the jury commission shall consist of the clerk of court or a deputy clerk~~
11 ~~designated by him in writing to act in his stead in all matters affecting the jury~~
12 ~~commission, and four other persons appointed by written order of the district court,~~
13 ~~who shall serve at the court's pleasure.~~

14 (3) Before entering upon their duties, members of the jury commission shall
15 take an oath to discharge their duties faithfully.

16 (4)(3) Three members of the jury commission shall constitute a quorum.

17 (5)(4) Meetings of the jury commission shall be open to the public.

18 * * *

19 C. In Orleans Parish, the jury commission shall be appointed by the judges
20 en banc of the Criminal District Court of the parish of Orleans, and the jury
21 commissioners shall serve at the pleasure of the court.

22 E.D. In the parish of Lafourche, the function of the jury commission may be
23 performed by the clerk of court of the parish of Lafourche or by a deputy clerk of
24 court designated by him in writing to act in his stead in all matters affecting the jury
25 commission. The clerk of court or his designated deputy shall have the same powers,
26 duties, and responsibilities, and shall be governed by applicable provisions of law
27 pertaining to jury commissioners. The clerk of court of the parish of Lafourche shall
28 perform the duties and responsibilities otherwise imposed upon him by law with

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 respect to jury venires, shall coordinate the jury venire process, and shall receive the
2 compensation generally authorized for a jury commissioner.

3 ~~D.~~E. In the parish of Terrebonne, the function of the jury commission shall
4 be performed by the clerk of court of Terrebonne Parish or by a deputy clerk of court
5 designated by him in writing to act in his stead in all matters affecting the jury
6 commission. The clerk of court or his designated deputy shall have the same powers,
7 duties, and responsibilities, and shall be governed by all applicable provisions of law
8 pertaining to jury commissioners. The clerk of court of Terrebonne Parish shall
9 perform the duties and responsibilities otherwise imposed upon him by law with
10 respect to jury venires, shall coordinate the jury venire process, and shall receive the
11 compensation generally authorized for a jury commissioner.

12 ~~E.~~F. In the parish of St. Charles, the function of the jury commission shall
13 be performed by the clerk of court of St. Charles Parish or by a deputy clerk of court
14 designated by him in writing to act in his stead in all matters affecting the jury
15 commission. The clerk of court or his designated deputy shall have the same powers,
16 duties, and responsibilities, and shall be governed by all applicable provisions of law
17 pertaining to jury commissioners. The clerk of court of St. Charles Parish shall
18 perform the duties and responsibilities otherwise imposed upon him by law with
19 respect to jury venires, shall coordinate the jury venire process, and shall receive the
20 compensation generally authorized for a jury commissioner.

21 ~~F.~~G. In the parishes of East Feliciana and West Feliciana, the function of the
22 jury commission shall be performed by the clerks of court of East Feliciana Parish
23 and West Feliciana Parish or by a deputy clerk of court designated by the respective
24 clerk in writing to act in his stead in all matters affecting the jury commission. The
25 clerk of court or his designated deputy shall have the same powers, duties, and
26 responsibilities, and shall be governed by all applicable provisions of law pertaining
27 to jury commissioners. The clerks of court of East Feliciana Parish and West
28 Feliciana Parish shall perform the duties and responsibilities otherwise imposed upon

1 him by law with respect to jury venires, shall coordinate the jury venire process, and
2 shall receive the compensation generally authorized for a jury commissioner.

3 H. In the parishes of Claiborne, DeSoto, Union, and Webster, the function
4 of the jury commission shall be performed by the clerks of court of Claiborne Parish,
5 DeSoto Parish, Union Parish, and Webster Parish or by a deputy clerk of court
6 designated by the respective clerk in writing to act in his stead in all matters affecting
7 the jury commission. The clerk of court or his designated deputy shall have the same
8 powers, duties, and responsibilities, and shall be governed by all applicable
9 provisions of law pertaining to jury commissioners. The clerks of court of Claiborne
10 Parish, DeSoto Parish, Union Parish, and Webster Parish shall perform the duties and
11 responsibilities otherwise imposed upon him by law with respect to jury venires,
12 shall coordinate the jury venire process, and shall receive the compensation generally
13 authorized for a jury commissioner.

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)]

HB 485 Engrossed

2017 Regular Session

Jefferson

Abstract: Requires the Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish clerks of court to perform the functions of the jury commissions in their respective parishes, and provides for technical corrections.

Present law provides for a jury commission in each parish to perform certain functions including coordination of the jury venire process.

Proposed law requires the clerks of court of Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish to perform the functions of the jury commission in their respective parishes.

Proposed law further provides technical corrections to present law and removes obsolete language referring to the 41st JDC (which has been repealed).

(Amends C.Cr.P. Art. 404(A), (C), (D), (E), and (F); Adds C.Cr.P. Art. 404(G) and (H))