

2018 Regular Session

SENATE BILL NO. 467

BY SENATOR MORRELL

CRIMINAL JUSTICE. Creates the Louisiana Jury Study Task Force. (8/1/18)

1 AN ACT

2 To enact Chapter 16 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 15:1701 through 1705, relative to jury pools and verdicts; to create a task  
4 force to study the impact of race on criminal jury selection and verdicts in the state;  
5 to provide for the composition and duties of the task force; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 16 of Title 15 of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 15:1701 through 1705, is hereby enacted to read as follows:

10 **CHAPTER 16. LOUISIANA JURY STUDY TASK FORCE**

11 **§1701. Legislative findings**

12 **The legislature recognizes that it is imperative that criminal jury trials**  
13 **are conducted in the most fair and impartial manner possible. The legislature**  
14 **further recognizes that although data on the demographics of juries and**  
15 **defendants is available, there is no central registry for this data and no entity**  
16 **responsible for reviewing this data to determine if current voir dire practices**  
17 **lead to the selection of fair and impartial juries.**

1           **§1702. Louisiana Jury Study Task Force; creation; purpose**

2                   **A. The Louisiana Jury Study Task Force, hereinafter referred to as**  
3                   **"task force", is hereby established.**

4                   **B. The purpose of the task force is to review data to determine if current**  
5                   **voir dire practices lead to the selection of fair and impartial juries and to make**  
6                   **recommendations to the legislature on improvement of these practices as**  
7                   **appropriate.**

8           **§1703. Membership; meetings; compensation; staff**

9                   **A. The task force shall consist of the following members:**

10                   **(1) The chair of the Senate Committee on Judiciary B, or his designee.**

11                   **(2) The chair of the Senate Committee on Judiciary C, or his designee.**

12                   **(3) The chair of the House Committee on the Judiciary, or his designee.**

13                   **(4) The chair of the House Committee on the Administration of Criminal**  
14                   **Justice, or his designee.**

15                   **(5) The executive director of the Louisiana District Attorneys**  
16                   **Association, or his designee.**

17                   **(6) The State Public Defender, or his designee.**

18                   **(7) One attorney licensed to practice law in Louisiana who**  
19                   **predominantly practices criminal law, appointed by the governor.**

20                   **B. The members of the task force shall elect a chair, vice chair, and other**  
21                   **officers it deems necessary.**

22                   **C. A member of the task force shall serve without compensation, but**  
23                   **may receive a per diem and be reimbursed for reasonable and necessary travel**  
24                   **and other expenses actually incurred on business of the task force provided such**  
25                   **reimbursement is authorized and paid by the representative agency or**  
26                   **organization.**

27                   **D. The task force shall hold at least two meetings each year and may hold**  
28                   **other meetings upon the call of the chair or a majority of the members. The**  
29                   **initial meeting of the task force shall be called by the chair of the Senate**

1 Committee on Judiciary B and the chair of the House Committee on the  
2 Judiciary, acting jointly.

3 E. Staff and facilities needed by the task force to accomplish its purposes  
4 shall be provided by the legislature from its existing resources.

5 F. The task force shall terminate on July 1, 2021.

6 §1704. Powers and functions

7 The task force shall:

8 (1) Receive the data required by this Chapter.

9 (2) Evaluate the data to determine if potential jurors are more likely to  
10 be struck based on their race.

11 (3) Evaluate the data to determine if there is a statistically significant  
12 difference among juror voting based on race.

13 (4) Report to the legislature its recommendations for necessary policy  
14 changes by February 1, 2021.

15 (5) Share its findings with all appropriate public entities and civic  
16 organizations.

17 (6) Take any action it deems appropriate and beneficial to achieving its  
18 purpose.

19 §1705. Data collection

20 A. Beginning August 1, 2018, the following data shall be collected by each  
21 jury commission, district attorney, or clerk of court, as appropriate, and shall  
22 be submitted to the task force staff in the manner specified by the task force no  
23 later than sixty days following the rendering of a verdict in any criminal trial:

24 (1) The race of all members of the jury pool.

25 (2) The number of jurors struck from the pool and the race of each  
26 member struck, regardless of the reason for which the juror was struck.

27 (3) The racial make-up of the jury selected, including alternates.

28 (4) Polling information of the jury that includes how each member voted  
29 and the race of each member by vote.

- 1                   **(5) The race of the defendant.**
- 2                   **B. The data required by this Section shall be submitted in a format that**
- 3                   **does not specifically identify any particular juror or member of a jury pool.**
- 4                   **C. The legislative auditor shall subpoena the required data if the data is**
- 5                   **not submitted timely.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Leonore Heavey.

DIGEST

SB 467 Original                    2018 Regular Session                    Morrell

Proposed law establishes the Louisiana Jury Study Task Force. Provides that the purpose of the task force is to review data submitted to determine if current voir dire practices lead to the selection of fair and impartial juries and to make recommendations to the legislature for necessary policy changes by February 1, 2021.

Proposed law provides that the task force shall consist of the following members:

- (1) The chair of the Senate Committee on Judiciary B, or his designee.
- (2) The chair of the Senate Committee on Judiciary C, or his designee.
- (3) The chair of the House Committee on the Judiciary, or his designee.
- (4) The chair of the House Committee on the Administration of Criminal Justice, or his designee.
- (5) The executive director of the Louisiana District Attorneys Association, or his designee.
- (6) The State Public Defender, or his designee.
- (7) One attorney licensed to practice law in Louisiana who predominantly practices in criminal law, appointed by the governor.

Proposed law requires that the members of the task force elect a chairman, vice chairman, and other officers it deems necessary.

Proposed law provides that a member of the task force shall serve without compensation. Further provides that a member may receive a per diem and be reimbursed for reasonable and necessary travel and other expenses actually incurred on business of the task force provided such reimbursement is authorized and paid by the representative agency or organization.

Proposed law requires task force to hold at least two meetings each year and authorizes the task force to hold other meetings upon the call of the chair or a majority of the members. Further provides that the initial meeting be called jointly by the chair of the Senate Committee on Judiciary B and the chair of the House Committee on the Judiciary.

Proposed law provides that staff and facilities needed by the task force to accomplish its purposes shall be provided by the legislature from its existing resources.

Proposed law provides for the powers and functions of the task force. Provides that the task force shall do the following:

- (1) Receive the data required by proposed law on the racial make-up of jury pools and juries.
- (2) Evaluate the data to determine if potential jurors are more likely to be struck depending on their race.
- (3) Evaluate the data to determine if there is a statistically significant difference among juror voting based on race.
- (4) Share findings with all appropriate public entities and civic organizations.
- (5) Report to the legislature its recommendations for necessary policy changes.
- (6) Take any action it deems appropriate and beneficial to achieving its purpose.

Proposed law requires jury commissions, district attorneys, and clerks of court to submit racial demographic information of jury pools, juries, jury voting, and defendants. Requires data to be submitted in a format that does specifically identify any particular juror.

Proposed law requires the legislative auditor to issue subpoenas if the demographic information required by proposed law is not submitted to the task force timely.

Proposed law terminates the task force on July 1, 2021.

Effective August 1, 2018.

(Adds R.S. 15:1701-1705)