

2018 Regular Session

HOUSE BILL NO. 699

BY REPRESENTATIVE STAGNI

CRIMINAL/JURY TRIALS: Provides relative to jury polling after a verdict is returned

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 812, relative to verdicts; to  
3 provide relative to jury verdicts; to provide relative to the oral or written polling of  
4 the jury after a verdict is returned; to provide relative to the requirements that a  
5 juror's name and signature be provided when conducting a written or oral poll of the  
6 jury; to require that polling slips be placed under seal; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 812 is hereby amended and reenacted  
10 to read as follows:

11 Art. 812. Same; polling and disposition of jury

12 A. The court shall order the clerk to poll the jury if requested by the state or  
13 the defendant. It shall be within the discretion of the court whether such poll shall  
14 be conducted orally or in writing by applying the procedures of Paragraph ~~(1)~~ B or  
15 Paragraph ~~(2)~~ C of this Article.

16 B.(1) Oral polling of the jury shall consist of the ~~clerk's calling each juror,~~  
17 ~~one at a time, by name. He shall announce~~ clerk announcing to each juror the verdict  
18 returned, and ~~ask him~~ asking each juror, "Is this your verdict?" Upon receiving the  
19 juror's answer to the question, the clerk shall record the answer.

1           (2) If, upon polling all of the jurors, the number of jurors required by law to  
2 find a verdict answer "Yes," the court shall order the clerk to record the verdict and  
3 the jury shall be discharged. If, upon polling all of the jurors, the number required  
4 to find a verdict do not answer "Yes," the jury may be remanded for further  
5 deliberation, or the court may declare a mistrial in accordance with Article 775.

6           ~~(2)~~C.(1) The procedure for the written polling of the jury shall require that  
7 the clerk hand to each juror a separate piece of paper containing the name of the juror  
8 and the words "Is this your verdict?" Each juror shall write on the slip of paper the  
9 words "Yes" or "No" along with his signature. The clerk shall collect the slips of  
10 paper, make them available for inspection by the court and counsel, and record the  
11 results. The polling slips shall be placed under seal in the court record and shall not  
12 be released to the public unless such release is ordered by the court.

13           (2) If a sufficient number of jurors as required by law to reach a verdict  
14 answer "yes" the clerk shall so inform the court. Upon verification of the results, the  
15 court shall order the clerk to record the verdict and order the jury discharged. If an  
16 insufficient number required to find a verdict answer "Yes," the court may remand  
17 the jury for further deliberation, or the court may declare a mistrial in accordance  
18 with Article 775.

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#### 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)]

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HB 699 Engrossed

2018 Regular Session

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**Abstract:** After a verdict is rendered, removes the requirement that a juror's name be announced during an oral poll of the jury and requires that the slip of paper used for a written poll be placed under seal and only be released upon order of the court.

Present law authorizes the court, if requested by the state or the defendant, to poll the jury after returning its verdict.

Present law provides for a procedure by which the jury may be polled orally or in writing. Oral polling of the jurors consists of the clerk's calling each juror by name, announcing to each juror the verdict returned, and asking each juror "Is this your verdict?". Under the written polling procedure, present law requires the clerk to hand to each juror a separate piece of paper containing the name of the juror and the words "Is this your verdict?", upon which the juror shall write the word "Yes" or "No" and his signature.

Proposed law amends present law to delete the requirement that the clerk call each juror by name when conducting an oral poll and adds that the slip of paper used to conduct the written poll shall be placed under seal in the court record and shall not be released except by order of the court.

Present law provides that if, upon polling all of the jurors, the number of jurors required by law to find a verdict answer "Yes," the court shall order the clerk to record the verdict and the jury shall be discharged. However, if, upon polling all of the jurors, the number required to find a verdict do not answer "Yes," the jury may be remanded for further deliberation, or the court may declare a mistrial in accordance with present law.

In this regard, proposed law retains present law.

(Amends C.Cr.P. Art. 812)

#### Summary of Amendments Adopted by House

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

1. Amend proposed law relative to the conducting of a written poll of the jury to retain the present law requirement that a slip of paper contain the name of the juror and the juror's signature, but provides that such slip of paper shall be placed under seal in the court record and not be released except upon order of the court.