SLS 18RS-198

2018 Regular Session

SENATE BILL NO. 243

BY SENATORS MORRELL, BARROW, BISHOP, BOUDREAUX, CARTER, CLAITOR, LAFLEUR, LONG, LUNEAU, PETERSON, PRICE AND GARY SMITH

CRIMINAL PROCEDURE. Constitutional amendment to require unanimous juries for felonies. (2/3 - CA13s1(A))

1	A JOINT RESOLUTION
2	Proposing to amend Article I, Section 17(A) of the Constitution of Louisiana, relative to jury
3	trials in criminal cases; to provide for unanimous juries in felony cases; and to
4	specify an election for submission of the proposition to electors and provide a ballot
5	proposition.
6	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7	elected to each house concurring, that there shall be submitted to the electors of the state, for
8	their approval or rejection in the manner provided by law, a proposal to amend Article I,
9	Section 17(A) of the Constitution of Louisiana, to read as follows:
10	§17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial
11	Section 17.(A) Jury Trial in Criminal Cases. A criminal case in which the
12	punishment may be capital shall be tried before a jury of twelve persons, all of whom
13	must concur to render a verdict. A case in which the punishment is necessarily
14	confinement at hard labor shall be tried before a jury of twelve persons, ten all of
15	whom must concur to render a verdict, provided that this provision is applicable
16	only to such offenses committed on and after January 1, 2019. A case in which
17	the punishment may be confinement at hard labor or confinement without hard labor

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REENGROSSED SB NO. 243

1	for more than six months shall be tried before a jury of six persons, all of whom must
2	concur to render a verdict. The accused shall have a right to full voir dire
3	examination of prospective jurors and to challenge jurors peremptorily. The number
4	of challenges shall be fixed by law. Except in capital cases, a defendant may
5	knowingly and intelligently waive his right to a trial by jury but no later than forty-
6	five days prior to the trial date and the waiver shall be irrevocable.
7	* * *
8	Section 2. Be it further resolved that this proposed amendment shall be submitted
9	to the electors of the state of Louisiana at the statewide election to be held on November 6,
10	2018.
11	Section 3. Be it further resolved that on the official ballot to be used at said election
12	there shall be printed a proposition, upon which the electors of the state shall be permitted
13	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
14	follows:
15	Do you support an amendment to require a unanimous jury verdict for felony
16	trials, to be applicable to offenses committed on or after January 1, 2019?
17	(Amends Article I, Section 17(A))

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST SB 243 Reengrossed 2018 Regular Session Morrell

<u>Present constitution</u> provides that a case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of 12 persons, 10 of whom must concur to render a verdict.

<u>Proposed constitutional amendment</u> changes the concurrence requirement by a jury in a felony case, from 10 to 12. Further provides that the proposed constitutional amendment will only apply to offenses committed on or after Jan. 1, 2019.

Specifies submission of the amendment to the voters at the congressional primary election to be held on November 6, 2018.

(Amends Const. Art. I, Sec. 17(A))

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Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides that the provision of <u>proposed law</u> shall apply only to offenses committed on or after January 1, 2019.