

2020 Regular Session

HOUSE RESOLUTION NO. 16

BY REPRESENTATIVE JAMES

A RESOLUTION

To urge and request the Vera Institute of Justice to continue its study of the eligibility requirements for jurors set forth in the Code of Criminal Procedure and the impact of those requirements on the ability of a jury commission to create a source list of potential jurors that comports with the Sixth Amendment to the Constitution of the United States and Article I, Section 17 of the Constitution of Louisiana.

WHEREAS, the Sixth Amendment to the Constitution of the United States grants criminal defendants the right to a trial by an impartial jury consisting of jurors from the state and district in which the crime was alleged to have been committed; and

WHEREAS, this right to be judged by a jury of one's peers is the most fundamental right of our criminal legal system and, to ensure that defendants going to trial are provided a jury of their peers, it is vital to analyze the source lists that are used to select potential jurors that represent a fair cross-section of the community; and

WHEREAS, studies have demonstrated that solely utilizing voter registration and department of motor vehicle records to summon potential jurors is deficient in ensuring the defendant's right to have his case tried before a jury of his peers; and

WHEREAS, national studies on mock juries and group decision-making demonstrate that with an increase in diversity of the group decision-makers there is also an increase in objective decision-making, accurate verdicts, and fairness; and

WHEREAS, transparency is central to good governance, to the understanding of how community members are selected to sit on juries, and to ensuring that eligible persons are not unduly excluded; and

WHEREAS, under Louisiana law, in order to qualify to serve as a juror, a person must not be under indictment for a felony nor have been convicted of a felony for which he has not been pardoned by the governor; and

WHEREAS, the exclusion of formerly incarcerated persons from juries has been rooted in an unverified notion that formerly incarcerated persons harbor an inherent bias and lack the necessary character to serve on a jury; and

WHEREAS, a recent mock-jury study involving formerly incarcerated persons and persons who have never been incarcerated found that these two groups vote similarly and further found that the formerly incarcerated persons outperformed their non-formerly incarcerated peers; they were more likely to introduce new facts and participated in deliberations for a greater amount of time; and

WHEREAS, this study also concluded that the formerly incarcerated persons were equally as likely to convict as their non-formerly incarcerated peers; and

WHEREAS, through House Resolution No. 219 of the 2019 Regular Session of the Legislature, the House of Representatives requested the Vera Institute of Justice to conduct a study of the current eligibility requirements for jurors and the impact of those requirements on the creation of source lists of potential jurors.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Vera Institute of Justice to continue its study of the eligibility requirements for jurors set forth in the Code of Criminal Procedure and the impact of those requirements on the ability of a jury commission to create a source list of potential jurors that comports with the Sixth Amendment to the Constitution of the United States and Article I, Section 17 of the Constitution of Louisiana.

BE IT FURTHER RESOLVED that, in this regard, the Vera Institute of Justice may work with and receive information from various stakeholders in the criminal legal system, including but not limited to the Louisiana Clerks of Court Association, the Louisiana District Judges Association, the Louisiana Public Defender Board, the Louisiana District Attorneys Association, the office of motor vehicles of the Department of Public Safety and Corrections, and the secretary of state.

BE IT FURTHER RESOLVED that the Vera Institute of Justice may also study relevant case law and national practices to better understand other approaches of curating a representative jury of one's peers.

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the Vera Institute of Justice.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES