

2021 Regular Session

HOUSE RESOLUTION NO. 197

BY REPRESENTATIVES GAINES, GAROFALO, HUGHES, MACK, AND CHARLES
OWEN

A RESOLUTION

To create the Equal Justice Task Force for the purpose of formulating a method to enable the judicial system of Louisiana and the Department of Public Safety and Corrections to ensure the equal application of laws as such laws relate to individuals who may have been subjected to a miscarriage of justice due to the non-unanimous jury verdict law in Louisiana.

WHEREAS, non-unanimous jury verdicts were ratified during the Louisiana Constitutional Convention of 1898; and

WHEREAS, in 2018, Louisiana voters approved a state constitutional amendment to require the unanimous agreement of jurors to convict people charged with felonies beginning with trials for crimes committed in 2019; and

WHEREAS, in April of 2020, the United States Supreme Court rendered a decision to allow the ban on non-unanimous jury verdicts to apply only to future cases and cases in which the defendants' appeals had not been exhausted; and

WHEREAS, in May of 2021, the United States Supreme Court rendered a decision confirming its previous decision and specified that the jury-unanimity rule does not apply retroactively; and

WHEREAS, a remedy has currently been precluded under federal law but may still be available under state law; and

WHEREAS, as many as one thousand five hundred Louisiana inmates who received non-unanimous jury verdicts have exhausted their appeals; and

WHEREAS, the non-unanimous jury verdict law does not serve to give an opportunity to those whose guilt was convincingly established, but to ensure that the innocent are afforded justice; and

WHEREAS, in order to ensure an objective, hindsight-based review of all cases of individuals still incarcerated as a result of non-unanimous jury verdicts, qualified legal professionals should be employed to review the cases of individuals incarcerated under the former non-unanimous jury verdict law.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby create the Equal Justice Task Force for the purpose of formulating a method that will enable the judicial system of Louisiana and the Department of Public Safety and Corrections to ensure the equal application of laws as such laws relate to individuals who may have been subjected to a miscarriage of justice due to Louisiana's non-unanimous jury verdict law.

BE IT FURTHER RESOLVED that the primary objective of the task force is to deliberate all applicable facts, circumstances, policies, and procedures that may have resulted in consequences of injustice for the specific purpose of recommending plausible remedies for miscarriages of justice that are determined to have resulted from non-unanimous jury verdicts occurring prior to January 1, 2019.

BE IT FURTHER RESOLVED that the task force shall be comprised of the following members:

- (1) Representative Randal L. Gaines.
- (2) Representative Jason Hughes.
- (3) Representative Sherman Q. Mack.
- (4) Representative Charles Owen.
- (5) Representative Kathy Edmonston.
- (6) Representative Edmond Jordan.
- (7) Representative Sam Jenkins.
- (8) A representative from the Louisiana District Attorneys Association.
- (9) A representative from the Louisiana Sheriffs' Association.
- (10) A representative from the division of probation and parole of the Department of Public Safety and Corrections.
- (11) A representative from the Promise of Justice Initiative.
- (12) A representative from the Louisiana Public Defender Board.

(13) A representative from Voices of Innocent Citizens Empowered, Incorporated.

(14) A representative from Voice of the Experienced.

BE IT FURTHER RESOLVED that a majority of the total membership shall constitute a quorum of the task force and that any official action by the task force shall require an affirmative vote of a majority of the quorum present and voting.

BE IT FURTHER RESOLVED that the initial meeting of the task force shall be called by the chairman of the House Committee on Judiciary. At the first meeting, the task force shall elect a chair. The first meeting shall take place no later than October 18, 2021. The Louisiana House of Representatives shall provide staff support.

BE IT FURTHER RESOLVED that members of this task force shall serve without compensation.

BE IT FURTHER RESOLVED that the meetings of the task force shall take place at the Louisiana state capitol, or upon a majority vote of the members such meetings may be conducted by video conference where circumstances necessitate meeting in that manner.

BE IT FURTHER RESOLVED that the task force shall meet as necessary and shall report its findings to the legislature not later than February 15, 2022, and shall terminate upon the date of such report.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the executive director of the Louisiana District Attorneys Association, the executive director of the Louisiana Sheriffs' Association, the secretary of the Department of Public Safety and Corrections, the executive director of the Promise of Justice Initiative, the chairman of the Louisiana Public Defender Board, the director of Voices of Innocent Citizens Empowered, Incorporated, and the executive director of Voice of the Experienced.

BE IT FURTHER RESOLVED that the task force shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES