

2025 Regular Session

HOUSE BILL NO. 292

BY REPRESENTATIVE KNOX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to jury polling and disposition

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 812, relative to jury polling; to
3 provide for polling when a verdict is not reached; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

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

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

8 A. ~~The~~ In all cases, the court shall order the clerk to poll the jury if requested
9 by the state or the defendant. The poll shall be conducted in writing by applying the
10 procedures of Subsection B of this Article, and shall be done in open court.

11 B.(1) ~~The~~ In cases in which a verdict was reached, procedure for the written
12 polling of the jury shall require that the clerk hand to each juror a separate piece of
13 paper containing the name of the juror and the words "Is this your verdict?" Each
14 juror shall write on the slip of paper the words "Yes" or "No" along with his
15 signature. The clerk shall collect the slips of paper, make them available for
16 inspection by the court and counsel, and record the results.

17 (2) If a sufficient number of jurors as required by law to reach a verdict
18 answer "yes" the clerk shall so inform the court. Upon verification of the results, the
19 court shall order the clerk to record the verdict and order the jury discharged. If an
20 insufficient number required to find a verdict answer "Yes," the court may remand

1 the jury for further deliberation, or the court may declare a mistrial in accordance
2 with Article 775. The polling slips may be placed under seal upon order of the court,
3 which shall state the specific reasons for placing the polling slips under seal. If so
4 ordered the polling slips shall not be released to the public without a subsequent
5 order of the court authorizing their release. If the court orders the release of the
6 polling slips, the names of the jurors shall be redacted.

7 C. In cases for which no verdict could be reached and a mistrial has been
8 declared under Article 775(2) of this Code, the court shall order the clerk to poll the
9 jury if requested by the state or the defendant. The poll shall be conducted in writing
10 by applying the procedures of Subsection D of this Section and shall be done in open
11 court.

12 D. The procedure for the written polling of the jury shall require that the
13 clerk hand to each juror a separate piece of paper containing the name of the juror
14 and the words "What was your verdict?". Each juror shall write on the slip of paper
15 the words "guilty" or "not guilty" or "guilty of a lesser offense" along with his
16 signature. The clerk shall collect the slips of paper, make them available for
17 inspection by the court and counsel, and record the results. The polling slips may be
18 placed under seal upon order of the court, which shall state the specific reasons for
19 placing the polling slips under seal. If so ordered, the polling slips shall not be
20 released to the public without a subsequent order of the court authorizing their
21 release. If the court orders the release of the polling slips, the names of the jurors
22 shall be redacted.

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)]

HB 292 Original

2025 Regular Session

Knox

Abstract: Provides a method of jury polling for cases in which a verdict was not reached.

Present law provides for a method of jury polling when a verdict is rendered.

Proposed law provides for a method of jury polling when a verdict is not rendered.

Proposed law provides for the sealing and releasing of polling slips.

Proposed law provides that if polling slips are released, juror names shall be redacted.

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