

2026 Regular Session

SENATE BILL NO. 97

BY SENATOR MORRIS

CRIMINAL PROCEDURE. Constitutional amendment to require the prosecutor's consent for a defendant to waive his right to a trial by jury. (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 trial in criminal cases; to require the prosecutor's consent for the defendant to waive
4 a jury trial; and to specify an election for submission of the proposition to electors
5 and provide a ballot 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 for an offense committed prior to January 1,
14 2019, in which the punishment is necessarily confinement at hard labor shall be tried
15 before a jury of twelve persons, ten of whom must concur to render a verdict. A case
16 for an offense committed on or after January 1, 2019, in which the punishment is
17 necessarily confinement at hard labor shall be tried before a jury of twelve persons,

1 all of whom must concur to render a verdict. A case in which the punishment may
 2 be confinement at hard labor or confinement without hard labor for more than six
 3 months shall be tried before a jury of six persons, all of whom must concur to render
 4 a verdict. The accused shall have a right to full voir dire examination of prospective
 5 jurors and to challenge jurors peremptorily. The number of challenges shall be fixed
 6 by law. Except in capital cases, **and with the written consent of the prosecuting**
 7 **authority**, a defendant may knowingly and intelligently waive his right to a trial by
 8 jury ~~but~~ no later than forty-five days prior to the trial date and the waiver shall be
 9 irrevocable.

10 * * *

11 Section 2. Be it further resolved that this proposed amendment shall be submitted to
 12 the electors of the state of Louisiana at the statewide election to be held on April 17, 2027,
 13 as authorized by law.

14 Section 3. Be it further resolved that on the official ballot to be used at said election
 15 there shall be printed a proposition, upon which the electors of the state shall be permitted
 16 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 17 follows:

18 Do you support an amendment to require that the prosecuting authority
 19 consent in writing before a defendant may waive his right to a trial by jury?

20 (Amends Article I, Section 17(A))

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Senate Legislative Services.
 The keyword, summary, 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)]

DIGEST

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Present constitution allows a defendant in a noncapital felony criminal case to knowingly,
 intelligently, and irrevocably waive his right to a trial by jury no later than 45 days prior to
 the trial date.

Proposed constitutional amendment provides that a defendant in a noncapital felony case
 may not waive his right to a trial by jury unless the prosecuting authority provides written
 consent.

Specifies submission of the amendment to the voters at the statewide election to be held on April 17, 2027, as authorized by law.

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