
HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Substitute for Original House Bill No. 219 by Representative Owen as proposed by the House Committee on Administration of Criminal Justice

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

1 To enact R.S. 15:574.1.1 and to repeal R.S. 15:574.1.1, relative to non-unanimous jury
2 convictions; to provide for a review of non-unanimous jury convictions; to provide
3 for the creation of a review panel; to provide for membership, duties, and procedures
4 of the review panel; to provide relative to applications for pardon or commutation;
5 to provide for duties of the Department of Public Safety and Corrections; to provide
6 for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.1.1 is hereby enacted to read as follows:

9 §574.1.1. Non-unanimous jury convictions; sentencing review panel

10 A.(1) The Sentencing Review Panel for Non-Unanimous Jury Convictions
11 is hereby created within the Department of Public Safety and Corrections, referred
12 to in this Section as the "department", and is authorized to enforce this Section.

13 (2) The review panel consists of the following twelve members:

14 (a) Two licensed attorneys appointed by the governor.

15 (b) Two legal analysts appointed by the governor.

16 (c) Two licensed attorneys appointed jointly by the office of the attorney
17 general and the Louisiana District Attorneys Association.

18 (d) Two legal analysts appointed jointly by the office of the attorney general
19 and the Louisiana District Attorneys Association.

20 (e) Two licensed attorneys appointed by the office of the state public
21 defender.

22 (f) Two legal analysts appointed by the office of the state public defender.

23 (3) Any attorney considered for the panel shall be in good standing with the
24 Louisiana State Bar Association or any federal or state court bar association in order

1 to be appointed to the review panel. No active employee of the state is eligible for
2 nomination or appointment to the review panel. Members of the review panel may
3 be associated with or solicit input, information, data, recommendations, and advice
4 from any group or organization that advocates for civil rights, victims' rights,
5 prisoners' rights, law enforcement, or any civic or public policy group or
6 organization.

7 (4) The chairman of the review panel shall be selected by mutual agreement
8 of the governor, the office of the attorney general, the Louisiana District Attorneys
9 Association, and the office of the state public defender.

10 (5)(a) Each panel member is classified as a when actually employed-WAE
11 employee pursuant to the state civil service system. The department shall designate
12 the salary of each panel members, based upon each member's years of experience.

13 (b) A panel member who is an attorney is prohibited from representing any
14 person in connection with his duties as a member of the review panel.

15 (c) Any member of the review panel who has an existing or any previous
16 personal, professional, or financial transaction that involves or relates to an
17 individual who is the subject of any case that is pending or currently before the panel
18 shall recuse himself from any participation in the review of that case.

19 B. The review panel has the powers and duties to do the following:

20 (1) Determine if an individual was convicted of an offense by a
21 non-unanimous jury and whether his conviction may have resulted in a miscarriage
22 of justice if rendered by a non-unanimous jury.

23 (2) Determine eligibility pertaining to applications for pardon or
24 commutation of sentence in relation to a conviction by a non-unanimous jury verdict
25 which resulted in a miscarriage of justice.

26 (3) Determine whether investigative and legal authorities should be notified
27 to review facts related to the prosecution or conviction of an individual convicted by
28 a non-unanimous jury.

1 (4) Keep record of its actions and notify each correctional facility of the final
2 determination of the review panel relating to individuals in custody for a conviction
3 based on a non-unanimous jury verdict.

4 (5) Notify the governor and the Board of Pardons of individuals who are
5 eligible to apply for pardon or commutation of sentence as determined by the review
6 panel.

7 (6) Notify the appropriate prosecuting authority in the jurisdiction of the
8 conviction of the need, as determined by the review panel, to review the substantive
9 facts surrounding the trial or prosecution.

10 (7) Perform any additional duties as necessary to enforce this Section.

11 C.(1)(a) Notwithstanding any provision of law to the contrary, an
12 incarcerated individual may file an application with the Board of Pardons, regardless
13 of the term of imprisonment imposed, if the review panel has determined that the
14 individual has been convicted by a non-unanimous jury verdict and that verdict may
15 have resulted in a miscarriage of justice.

16 (b) The panel may expedite any immediate concerns to the office of the
17 governor for pardon or commutation, based on the analysis of the panel.

18 (2)(a) Notwithstanding any provision of law to the contrary, an incarcerated
19 individual, regardless of the term of imprisonment imposed and based on the
20 evidence in the case, may request a review of substantive facts involved in the
21 investigation, prosecution, or conviction in the judicial district where the individual's
22 trial occurred if the review panel determines that the individual was convicted by a
23 non-unanimous jury.

24 (b) The review panel shall ensure immediate and timely notification is made
25 to the incarcerated individual and to the judicial district where the individual's trial
26 occurred.

27 (3) Any relief afforded pursuant to Paragraphs (1) or (2) of this Subsection
28 does not apply to any currently incarcerated individual whose case the review panel
29 has determined requires no further action.

1 D. The review panel shall obtain the necessary information to conduct a
2 comprehensive review of each case. Such information includes but is not limited to
3 the following:

- 4 (1) The current age of each individual.
- 5 (2) The age of the individual at the time of the offense.
- 6 (3) The charges against the individual.
- 7 (4) The length of the individual's sentence.
- 8 (5) Any applicable sentencing enhancements.
- 9 (6) The amount of time the individual has served in prison.
- 10 (7) The amount of time left on the individual's sentence.
- 11 (8) The judicial district or parish of the individual's trial.

12 E. In determining whether the non-unanimous jury verdict resulted in a
13 miscarriage of justice, the review panel may also consider any of the following
14 factors:

- 15 (1) Whether the non-unanimous verdict of the individual contained any vote
16 of a juror to acquit.
- 17 (2) Whether a juror voted to convict the individual based on a responsive
18 verdict when the individual was convicted of the offense charged.
- 19 (3) Whether a juror voted to convict the individual for the offense charged
20 when the individual was convicted of a responsive verdict.
- 21 (4) Intimidation of any juror.
- 22 (5) Jury instruction errors.
- 23 (6) The overall strength of the state's case against the individual.
- 24 (7) The length of deliberations.
- 25 (8) The nature of the individual's offense.
- 26 (9) The assistance of counsel for the individual at trial and on appeal.
- 27 (10) Any indicia of racial animus in the prosecution of the individual's case.

28 F. An affirmative finding that a conviction was the result of a
29 non-unanimous jury verdict and that the verdict may have resulted in a miscarriage
30 of justice requires a majority vote of at least seven members of the review panel.

1 (1) If the review panel finds a probable miscarriage of justice in an
2 individual's case, the individual shall be placed on an eligibility list to apply for a
3 pardon or commutation of sentence.

4 (2) The review panel shall notify the appropriate prosecuting authority, the
5 sheriff, and the chief district judge of the jurisdiction where the conviction occurred
6 if the review panel finds evidence that may raise reasonable doubt as to the efficacy
7 of the individual's conviction based on a non-unanimous jury verdict.

8 G. An individual who is not granted relief pursuant to this Section is not
9 precluded from petitioning for relief under any provision permitted by law, provided
10 the individual's claim for relief is not based solely on the grounds of a
11 non-unanimous jury verdict.

12 H. All cases within the review panel's purview pursuant to this Section shall
13 be reviewed within one year of the effective date of this Section.

14 Section 2. R.S. 15:574.1.1 is hereby repealed in its entirety.

15 Section 3. The Department of Public Safety and Corrections is hereby authorized
16 and directed to expend not more than nine hundred seventy-five thousand two hundred
17 sixty-two dollars from the state general fund or other available funds for the operation of the
18 Sentencing Review Panel for Non-Unanimous Jury Convictions for one fiscal year. This
19 amount is based on the middle cost estimate contained in the Legislative Auditor's fiscal
20 analysis prepared pursuant to House Resolution 243 of the 2025 Regular Session and reflects
21 the cost of appointing all twelve panel members as when actually employed-WAE
22 employees in addition to necessary operational and information technology expenses.

23 Section 4. This Section and Sections 1, 3, and 5 of this Act shall become effective
24 upon signature by the governor or, if not signed by the governor, upon expiration of the time
25 for bills to become law without signature by the governor, as provided by Article III, Section
26 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
27 by the legislature, this Act shall become effective on the day following such approval.

28 Section 5. Section 2 of this Act shall become effective one year after the effective
29 date of this Act. Any person who has made any application for or who is eligible to apply

1 for a pardon or commutation of sentence based on this Act is not prohibited from obtaining
 2 any relief afforded to him from any ruling of the Louisiana Supreme Court.

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 Draft

2026 Regular Session

Abstract: Creates the Sentencing Review Panel for Non-Unanimous Jury Convictions within the DPS&C.

Proposed law creates the Sentencing Review Panel for Non-Unanimous Jury Convictions within the Dept. of Public Safety and Corrections (DPS&C).

Proposed law provides for the membership, duties, procedures, and considerations of the review panel.

Proposed law permits an incarcerated individual to file an application with the Board of Pardons, regardless of the term of imprisonment imposed, if the review panel has determined that the individual has been convicted by a non-unanimous jury verdict and that the verdict may have resulted in a miscarriage of justice.

Proposed law permits an incarcerated individual, regardless of the term of imprisonment imposed and based on the evidence in the case, to request a review of substantive facts involved in the investigation, prosecution, or conviction in the judicial district where the individual's trial occurred if the review panel determines that the individual was convicted by a non-unanimous jury.

Proposed law provides that any relief afforded pursuant to proposed law does not apply to any currently incarcerated individual whose case the review panel has determined requires no further action.

Proposed law provides that an individual who is not granted relief pursuant to proposed law is not precluded from petitioning for relief under any provision permitted by law, provided the individual's claim for relief is not based solely on the grounds of a non-unanimous jury verdict.

Proposed law requires all cases within the review panel's purview to be reviewed within one year of the effective date of proposed law.

Proposed law authorizes the DPS&C to expend funds for the operation of the review panel.

Proposed law provides for a repeal of proposed law one year after the effective date of proposed law.

Proposed law provides that any person who has made any application for or who is eligible to apply for a pardon or commutation of sentence based on proposed law is not prohibited from obtaining any relief afforded to him from any ruling of the La. Supreme Court.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:574.1.1; Repeals R.S. 15:574.1.1)