2018 Regular Session

HOUSE BILL NO. 354

BY REPRESENTATIVE JORDAN

CRIMINAL/JURY TRIALS: (Constitutional Amendment) Provides relative to a unanimous jury in felony cases

A JOINT RESOLUTION		
Proposing to amend Article I, Section 17(A) of the Constitution of Louisiana, to require		
unanimous vote of twelve jurors in all felony cases; to provide for submission of the		
proposed amendment to the electors; and to provide for related matters.		
Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members		
elected to each house concurring, that there shall be submitted to the electors of the state of		
Louisiana, for their approval or rejection in the manner provided by law, a proposal to		
amend Article I, Section 17(A) of the Constitution of Louisiana, to read as follows:		
§17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial		
Section 17.(A) Jury Trial in Criminal Cases. A criminal case in which the		
punishment may be capital or in which punishment is necessarily confinement at		
hard labor shall be tried before a jury of twelve persons, all of whom must concur to		
render a verdict. A case in which the punishment is necessarily confinement at hard		
labor shall be tried before a jury of twelve persons, ten of whom must concur to		
render a verdict. A case in which the punishment may be confinement at hard labor		
or confinement without hard labor for more than six months shall be tried before a		
jury of six persons, all of whom must concur to render a verdict. The accused shall		
have a right to full voir dire examination of prospective jurors and to challenge jurors		
peremptorily. The number of challenges shall be fixed by law. Except in capital		
cases, a defendant may knowingly and intelligently waive his right to a trial by jury		

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	but no later than forty-five days prior to the trial date and the waiver shall be
2	irrevocable.
3	* * *
4	Section 2. Be it further resolved that this proposed amendment shall be submitted
5	to the electors of the state of Louisiana at the statewide election to be held on November 6,
6	2018.
7	Section 3. Be it further resolved that on the official ballot to be used at the election,
8	there shall be printed a proposition, upon which the electors of the state shall be permitted
9	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
10	follows:
11	Do you support an amendment to require a unanimous jury verdict in all
12	noncapital felony cases? (Amends Article I, Section 17(A))

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 354 Original	2018 Regular Session	Jordan

Abstract: Changes the jury vote required in noncapital felony cases <u>from</u> 10 of 12 jurors <u>to</u> 12 of 12 jurors.

Present constitution permits 10 of 12 jurors to concur for a verdict in noncapital felony cases.

<u>Proposed constitutional amendment</u> requires that all 12 jurors concur for a verdict in all felony cases.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 6, 2018.

(Amends Const. Art. I, §17(A))