Regular Session, 2010

ACT No. 1053

HOUSE BILL NO. 940

24

BY REPRESENTATIVE MONTOUCET

1	A JOINT RESOLUTION
2	Proposing to amend Article I, Section 17(A) of the Constitution of Louisiana, relative to jury
3	trials in criminal cases; to provide with respect to the waiver of a trial by jury; to
4	provide that a criminal defendant's waiver of a jury trial no later than forty-five days
5	prior to the trial date; to provide for irrevocable waivers; to provide for submission
6	of the proposed amendment to the electors; and to provide for related matters.
7	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8	elected to each house concurring, that there shall be submitted to the electors of the state of
9	Louisiana, for their approval or rejection in the manner provided by law, a proposal to
10	amend Article I, Section 17(A) of the Constitution of Louisiana, to read as follows:
11	§17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial
12	Section 17.(A) Jury Trial in Criminal Cases. A criminal case in which the
13	punishment may be capital shall be tried before a jury of twelve persons, all of whom
14	must concur to render a verdict. A case in which the punishment is necessarily
15	confinement at hard labor shall be tried before a jury of twelve persons, ten of whom
16	must concur to render a verdict. A case in which the punishment may be
17	confinement at hard labor or confinement without hard labor for more than six
18	months shall be tried before a jury of six persons, all of whom must concur to render
19	a verdict. The accused shall have a right to full voir dire examination of prospective
20	jurors and to challenge jurors peremptorily. The number of challenges shall be fixed
21	by law. Except in capital cases, a defendant may knowingly and intelligently waive
22	his right to a trial by jury but no later than forty-five days prior to the trial date and
23	the waiver shall be irrevocable.

1 Section 2. Be it further resolved that this proposed amendment shall be submitted 2 to the electors of the state of Louisiana at the statewide election to be held on November 2, 3 2010. 4 Section 3. Be it further resolved that on the official ballot to be used at said election 5 there shall be printed a proposition, upon which the electors of the state shall be permitted to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall 6 7 read as follows: 8 To permit criminal defendants, except in capital cases, to waive their right 9 to a trial by jury no later than forty-five days prior to the trial date. (Amends 10 Article I, Section 17(A)) SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

ENROLLED

HB NO. 940

APPROVED: