

2020 Regular Session

SENATE BILL NO. 394

BY SENATOR FOIL

COURTS. Exempts persons from jury duty who have been interdicted or are under a continuing tutorship. (8/1/20)

1 AN ACT
2 To amend and reenact Code of Criminal Procedure Article 401(A)(4) and R.S. 13:3042(A),
3 relative to general qualifications of jurors; to exempt a person from jury duty in civil
4 and criminal cases if the person is under a judgment of interdiction or continuing
5 tutorship; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 401(A)(4) is hereby amended and
8 reenacted to read as follows:

9 Art. 401. General qualifications of jurors

10 A. In order to qualify to serve as a juror, a person must:

11 * * *

12 (4) Not be under **a judgment of interdiction or continuing tutorship** or
13 incapable of serving as a juror because of a mental or physical infirmity, provided
14 that no person shall be deemed incompetent solely because of the loss of hearing in
15 any degree.

16 * * *

17 Section 2. R.S. 13:3042(A) is hereby amended and reenacted to read as follows:

1 §3042. Exemptions from civil jury service; twenty-four-month waiver of petit jury
2 service

3 A.~~(1)~~ The exemptions from jury service in civil cases are as provided in
4 Article 403 of the Louisiana Code of Criminal Procedure.

5 **(2) Notwithstanding any other provision of law, in order to qualify to**
6 **serve as a juror in a civil case, a person must not be under a judgment of**
7 **interdiction or continuing tutorship, or incapable of serving as a juror because**
8 **of a mental or physical infirmity, provided that no person shall be deemed**
9 **incompetent solely because of the loss of hearing in any degree, except that such**
10 **person may be challenged for cause as provided in Code of Criminal Procedure**
11 **Article 401(B)(1).**

12 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 394 Original

2020 Regular Session

Foil

Present law provides that the exemptions from jury service in civil cases are as provided in present law relative to general qualifications of jurors in criminal cases and La. Supreme Court rules relative to qualifications of jurors.

Proposed law retains present law.

Present law provides that in criminal cases, in order to qualify to serve as a juror, a person must:

- (1) Be a citizen of the U.S. and of the state who has resided within the parish in which he is to serve as a juror for at least one year immediately preceding his jury service.
- (2) Be at least 18 years of age.
- (3) Be able to read, write, and speak the English language and be possessed of sufficient knowledge of the English language.
- (4) Not be under interdiction or incapable of serving as a juror because of a mental or physical infirmity, provided that no person can be deemed incompetent solely because of the loss of hearing in any degree. However, present law provides that a person may be challenged for cause based on a loss of hearing or the existence of any other incapacity that satisfies the court that the challenged person is incapable of performing the duties of a juror in the particular action without prejudice to the substantial rights of the challenging party.
- (5) Not be under indictment for a felony nor have been convicted of a felony for which he has not been pardoned by the governor.

Proposed law retains present law and adds that in order to qualify to serve as a juror in a civil or criminal case, a person must not be under a judgment of continuing tutorship.

Present law provides that persons with intellectual disabilities or mental deficiencies may be placed under continuing tutorship without formal or complete interdiction. Present law further provides that when a person above the age of 15 years possesses less than 2/3 of the intellectual functioning of a person of the same age with average intellectual functioning, the parents or the person entitled to custody or tutorship under certain circumstances may petition the court of that district to place such person under a continuing tutorship that does not automatically end at any age, but continues until revoked by the court.

Proposed law retains present law.

Effective August 1, 2020.

(Amends C.Cr.P. Art. 401(A)(4) and R.S. 13:3042(A))