2018 Regular Session

HOUSE BILL NO. 365

BY REPRESENTATIVE JORDAN

1   AN ACT

2   To amend and reenact Code of Criminal Procedure Article 782(A), relative to jury trials in

3   felony cases; to provide relative to jury concurrence; to provide for contingent

4   effectiveness; and to provide for related matters.

5   Be it enacted by the Legislature of Louisiana:

6   Section 1. Code of Criminal Procedure Article 782(A) is hereby amended and

7   reenacted to read as follows:

8   Art. 782. Number of jurors composing jury; number which must concur; waiver

9   A. ~~Cases~~ A case in which punishment may be capital shall be tried by a jury

10   of twelve jurors, all of whom must concur to render a verdict. ~~Cases~~ A case for an

11   offense committed prior to January 1, 2019, in which punishment is necessarily

12   confinement at hard labor shall be tried by a jury composed of twelve jurors, ten of

13   whom must concur to render a verdict. A case for an offense committed on or after

14   January 1, 2019, in which the punishment is necessarily confinement at hard labor

15   shall be tried before a jury of twelve persons, all of whom must concur to render a

16   verdict. ~~Cases~~ A case in which the punishment may be confinement at hard labor

17   shall be tried by a jury composed of six jurors, all of whom must concur to render a

18   verdict.

19   *   *   *

20   Section 2. This Act shall take effect and become operative on January 1, 2019, if and

21   when the proposed amendment of Article I, Section 17(A) of the Constitution of Louisiana

1   contained in the Act which originated as House Bill No. 354 of this 2018 Regular Session

2   of the Legislature or the Act which originated as Senate Bill No. 243 of this 2018 Regular

3   Session of the Legislature is adopted at a statewide election and becomes effective.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____

PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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