

ACT No. 335

2018 Regular Session

HOUSE BILL NO. 699

BY REPRESENTATIVE STAGNI

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AN ACT

To amend and reenact Code of Criminal Procedure Article 812, relative to verdicts; to provide relative to jury verdicts; to provide relative to the polling of the jury after a verdict is returned; to provide relative to the requirements for conducting a written poll of the jury; to provide for the placement of the polling slips under seal; to remove the authority of the court to conduct an oral poll of the jury after a verdict is rendered; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 812 is hereby amended and reenacted to read as follows:

Art. 812. Same; polling and disposition of jury

A. The court shall order the clerk to poll the jury if requested by the state or the defendant. ~~It shall be within the discretion of the court whether such~~ The poll shall be conducted orally or in writing by applying the procedures of Paragraph (1) or Paragraph (2) of this Article, and shall be done in open court.

~~(1) Oral polling of the jury shall consist of the clerk's calling each juror, one at a time, by name. He shall announce to each juror the verdict returned, and ask him "Is this your verdict?" Upon receiving the juror's answer to the question, the clerk shall record the answer.~~

~~If, upon polling all of the jurors, the number of jurors required by law to find a verdict answer "Yes," the court shall order the clerk to record the verdict and the jury shall be discharged. If, upon polling all of the jurors, the jury may be remanded for further deliberation, or the court may declare a mistrial in accordance with Article 775.~~

1 ~~(2)~~B.(1) The procedure for the written polling of the jury shall require that
 2 the clerk hand to each juror a separate piece of paper containing the name of the juror
 3 and the words "Is this your verdict?" Each juror shall write on the slip of paper the
 4 words "Yes" or "No" along with his signature. The clerk shall collect the slips of
 5 paper, make them available for inspection by the court and counsel, and record the
 6 results.

7 (2) If a sufficient number of jurors as required by law to reach a verdict
 8 answer "yes" the clerk shall so inform the court. Upon verification of the results, the
 9 court shall order the clerk to record the verdict and order the jury discharged. If an
 10 insufficient number required to find a verdict answer "Yes," the court may remand
 11 the jury for further deliberation, or the court may declare a mistrial in accordance
 12 with Article 775. The polling slips may be placed under seal upon order of the court,
 13 which shall state the specific reasons for placing the polling slips under seal. If so
 14 ordered the polling slips shall not be released to the public without a subsequent
 15 order of the court authorizing their release. If the court orders the release of the
 16 polling slips, the names of the jurors shall be redacted.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____