

2024 Regular Session

HOUSE BILL NO. 741

BY REPRESENTATIVE KNOX

CRIMINAL/PROCEDURE: Provides relative to convictions rendered by a verdict from a nonunanimous jury

1 AN ACT

2 To enact Code of Criminal Procedure Articles 930.3(9), 930.4(H), and 930.8(A)(7), relative
3 to post conviction relief; to provide relative to the grounds for post conviction relief
4 for nonunanimous jury verdicts; to provide relative to repetitive applications for post
5 conviction relief; to provide relative to time limitations for post conviction relief
6 when a petitioner has a conviction rendered by a nonunanimous jury; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 930.3(9), 930.4(H), and 930.8(A)(7)
10 are hereby enacted to read as follows:

11 Art. 930.3. Grounds

12 If the petitioner is in custody after sentence for conviction for an offense,
13 relief shall be granted only on the following grounds:

14 * * *

15 (9) The conviction of the petitioner was rendered by a verdict from a
16 nonunanimous jury.

17 Art. 930.4. Repetitive applications

18 * * *

1 H. Notwithstanding any provision of this Title to the contrary, an application
 2 that alleges a claim of which the petitioner's conviction was rendered by a verdict
 3 from a nonunanimous jury.

4 * * *

5 Art. 930.8. Time limitations; exceptions; prejudicial delay

6 A. No application for post conviction relief, including applications which
 7 seek an out-of-time appeal, shall be considered if it is filed more than two years after
 8 the judgment of conviction and sentence has become final under the provisions of
 9 Article 914 or 922, unless any of the following apply:

10 * * *

11 (7) The application alleges, and the petitioner shows, that the conviction was
 12 rendered by a verdict from a nonunanimous jury.

13 * * *

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 741 Original

2024 Regular Session

Knox

Abstract: Provides relative to relief for cases in which a nonunanimous jury verdict was rendered.

Present law (C.Cr.P. Art. 930.3) provides for the grounds of post conviction relief.

Proposed law adds an additional ground for convictions rendered by a verdict from a nonunanimous jury.

Present law (C.Cr.P. Art. 930.4) provides relative to repetitive applications for post conviction relief. Provides that a successive application shall be dismissed if it raises a new or different claim that was inexcusably omitted from a prior application.

Proposed law provides that an application is not successive if it alleges a claim that a petitioner's conviction was rendered by a verdict from a nonunanimous jury.

Present law (C.Cr.P. Art. 930.8) provides that no application for post conviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final, unless certain present law exceptions apply.

Proposed law adds an exception for convictions rendered by a verdict from a nonunanimous jury.

(Adds C.Cr.P. Arts. 930.3(9), 930.4(H), and 930.8(A)(7))