

2018 Regular Session

SENATE BILL NO. 243

BY SENATORS MORRELL AND CARTER

CRIMINAL PROCEDURE. Constitutional amendment to require unanimous juries for felonies. (2/3 - CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article I, Section 17(A) of the Constitution of Louisiana, relative to jury trials in criminal cases; to provide for unanimous juries in felony cases; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article I, Section 17(A) of the Constitution of Louisiana, to read as follows:

§17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial

Section 17.(A) Jury Trial in Criminal Cases. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ~~ten~~ all of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, all of whom must concur to render

1 a verdict. The accused shall have a right to full voir dire examination of prospective
 2 jurors and to challenge jurors peremptorily. The number of challenges shall be fixed
 3 by law. Except in capital cases, a defendant may knowingly and intelligently waive
 4 his right to a trial by jury but no later than forty-five days prior to the trial date and
 5 the waiver shall be irrevocable.

6 * * *

7 Section 2. Be it further resolved that this proposed amendment shall be submitted
 8 to the electors of the state of Louisiana at the statewide election to be held on November 6,
 9 2018.

10 Section 3. Be it further resolved that on the official ballot to be used at said election
 11 there shall be printed a proposition, upon which the electors of the state shall be permitted
 12 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 13 follows:

14 Do you support an amendment to require a unanimous jury verdict for felony
 15 trials?

16 (Amends Article I, Section 17(A))

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by James Benton.

DIGEST

SB 243 Engrossed 2018 Regular Session Morrell

Present constitution provides that a case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of 12 persons, 10 of whom must concur to render a verdict.

Proposed constitution amendment changes the concurrence requirement by a jury in a felony case from 10 to 12.

Specifies submission of the amendment to the voters at the congressional primary election to be held on November 6, 2018.

(Amends Const. Art. I, Sec. 17(A))