

By: Representative Ketchings

To: Judiciary B

HOUSE BILL NO. 442

1 AN ACT TO CREATE A SECTION OF THE MISSISSIPPI CODE OF 1972,
2 TO IMPLEMENT A 10-2 JURY VERDICT IN CERTAIN CRIMINAL CASES; AND
3 FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) In the trial of criminal offenses, except
6 capital offenses, in the circuit and county courts of this state,
7 ten (10) or more jurors may agree on the verdict and return it
8 into court as the verdict of the jury. Either party may request
9 an instruction in writing to this effect, and it shall thereupon
10 be the duty of the trial judge to instruct the jury in writing
11 that if ten (10) or more jurors agree on the verdict that they may
12 return the same into open court as the verdict of the jury.

13 (2) For the purposes of subsection (1) only, the following
14 terms shall have the following meanings:

15 (a) "Criminal offenses" means:

16 (i) Any offense specifically classified as a
17 felony in the statute creating the offense or its punishment; or

18 (ii) Any offense in which the maximum punishment
19 authorized by the Legislature is: (A) imprisonment in the State
20 Penitentiary or in the custody of the Department of Corrections
21 for a period of one year or more or for life, or (B) death, and in
22 the prosecution of which the death penalty is not being sought by
23 the state; or

24 (iii) Any misdemeanor offense which is tried in
25 circuit or county court on indictment for such offense or as a
26 lesser offense of an offense defined in subparagraph (i) or (ii)

27 of this paragraph (a).

28 (b) "Capital offenses" means any criminal offense for
29 which the maximum punishment authorized by the Legislature is
30 death, and in the prosecution of which the death penalty is
31 actually being sought by the state.

32 SECTION 2. This act shall take effect and be in force from
33 and after January 1, 2000, provided that the constitutional
34 amendment proposed by House Concurrent Resolution No. ____, 1999
35 Regular Session, is duly ratified by the electorate at the
36 November 1999, election.