

By: Representatives Ketchings, Barnett
(116th), Janus, Read, Robertson

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 52

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 31,
2 MISSISSIPPI CONSTITUTION OF 1890, TO ALLOW A 10-2 JURY VERDICT IN
3 NONCAPITAL CASES; AND FOR RELATED PURPOSES.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
5 MISSISSIPPI, That the following amendment to the Mississippi
6 Constitution of 1890 be submitted to the qualified electors of the
7 state:

8 Amend Section 31, Mississippi Constitution of 1890, to read
9 as follows:

10 "Section 31. (1) The right of trial by jury shall remain
11 inviolate, but the Legislature may, by enactment, provide:

12 (a) That in all civil suits tried in the circuit and
13 chancery court, nine (9) or more jurors may agree on the verdict
14 and return it as the verdict of the jury; and

15 (b) That in the trial of criminal offenses in the
16 circuit and county courts, except capital offenses, ten (10) or
17 more jurors may agree on the verdict and return it as the verdict
18 of the jury.

19 (2) For the purposes of subsection (1)(b) only, the
20 following terms shall have the following meanings:

21 (a) "Criminal offense" means:

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

24 (ii) Any offense for which the maximum punishment
25 authorized by the Legislature is: (A) imprisonment in the state
26 penitentiary or in the custody of the Department of Corrections

27 for a period of one (1) year or more or for life, or (B) death, if
28 the death penalty is not being sought by the state in the
29 prosecution of the offense; or

30 (iii) Any misdemeanor offense that is tried in
31 circuit or county court on indictment for the offense or as a
32 lesser offense of an offense defined in subparagraph (i) or (ii)
33 of this paragraph (a).

34 (b) "Capital offense" means any criminal offense for
35 which the maximum punishment authorized by the Legislature is
36 death, and the death penalty is actually being sought by the state
37 in the prosecution of the offense."

38 BE IT FURTHER RESOLVED, That this amendment shall be
39 submitted to the qualified electors at an election to be held on
40 the first Tuesday after the first Monday of November 1999 in the
41 manner provided by the Constitution and by law.

42 BE IT FURTHER RESOLVED, That the explanatory statement of the
43 substance of this proposed constitutional amendment for the ballot
44 shall read as follows: "This proposed constitutional amendment
45 allows a 10-2 jury verdict in criminal cases in which the state
46 does not seek to impose the death penalty."