

By: Senator(s) Burton

To: Judiciary

SENATE BILL NO. 2376

1 AN ACT TO AMEND SECTION 13-5-77, MISSISSIPPI CODE OF 1972, TO
2 LIMIT TO DEATH PENALTY CASES THE CIRCUMSTANCES UNDER WHICH A
3 SPECIAL VENIRE SHALL BE CALLED; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 13-5-77, Mississippi Code of 1972, is
6 amended as follows:

7 13-5-77. When any person charged with a * * * crime * * *
8 for which the death penalty may be imposed shall have been
9 arraigned and the plea of not guilty entered, the accused or the
10 district attorney in any such case shall, upon demand, be entitled
11 to a special venire. If at a term of court a special venire has
12 been demanded for any case or cases, it shall be the duty of the
13 court to cause to be drawn, in open court, from the jury box as
14 many names as the judge in his discretion may direct, not to be
15 less than forty (40) for each special venire as the judge in his
16 discretion may direct to be called; and it shall be the duty of
17 the clerk to issue a special venire facias commanding the sheriff
18 to summon the persons whose names are so drawn to attend the court
19 on a particular day to be named in the writ. It shall not be
20 necessary that a separate special venire be drawn for each case in
21 which a special venire is demanded. Those persons summoned
22 pursuant to the issuance of a special venire facias shall attend
23 the court on the day named in the writ and shall serve as the
24 court may direct on any case for which a special venire has been
25 demanded; provided, however, no juror summoned as a special
26 venireman shall be impaneled or serve on more than one (1) case.

27 In the event a special venire be exhausted in a case without a
28 jury being impaneled from those summoned and in attendance, the
29 court shall proceed to make up the jury for the trial of the case
30 from the regular panel and tales jurors who may have been summoned
31 for the day. If, after exhausting the regular panel and tales
32 jurors, a competent jury be not obtained, the court shall direct
33 the sheriff to summon forthwith as many tales jurors as shall be
34 sufficient to complete the jury.

35 In the event that there should be no such box, or the same
36 should be mislaid or the names therein have been exhausted, then
37 the court may order a special venire facias to be issued by the
38 clerk directing the sheriff to summon as many jurors as may be
39 necessary, not less than forty (40) for each special venire as the
40 judge in his discretion may direct to be called and, after
41 exhausting a special venire in any case, to impanel the jury as
42 hereinbefore directed. The slips containing the names of all
43 jurors drawn or summoned on a special venire, and not impaneled on
44 a jury, shall be returned to the box from which they were drawn
45 immediately after a jury shall be impaneled. If a special venire
46 be not demanded, the jury in each case shall be composed of the
47 regular venire for the week and as many talesmen and bystanders as
48 may be required, to be summoned under the order of the court.

49 SECTION 2. This act shall take effect and be in force from
50 and after July 1, 1999.