

By: Ketchings, Lott

To: Judiciary B

HOUSE BILL NO. 686

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, 2001, provided that the constitutional  
34 amendment proposed by House Concurrent Resolution No. \_\_\_\_, 2000  
35 Regular Session, is duly ratified by the electorate at the  
36 November 2000, election.