

By: Ketchings

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 41

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

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

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

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

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

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

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

22 (a) "Criminal offenses" means:

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

25 (ii) Any offense in which the maximum punishment
26 authorized by the Legislature is: (A) imprisonment in the state
27 penitentiary or in the custody of the Department of Corrections
28 for a period of one (1) year or more or for life, or (B) death, if
29 the death penalty is not being sought by the state in the
30 prosecution of the offense; or

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

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

39 BE IT FURTHER RESOLVED, That this amendment shall be
40 submitted to the qualified electors at an election to be held on
41 the first Tuesday after the first Monday of November 2000 in the
42 manner provided by the Constitution and by law.

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