

By: Representative Ketchings

To: Judiciary B

HOUSE BILL NO. 1397

1 AN ACT TO PROVIDE FOR A 10-2 JURY VERDICT IN CERTAIN CRIMINAL  
2 CASES; AND FOR RELATED PURPOSES.

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

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

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

14 (a) "Criminal offenses" means:

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

17 (ii) Any offense in which the maximum punishment  
18 authorized by the Legislature is: (A) imprisonment in the State  
19 Penitentiary or in the custody of the Department of Corrections  
20 for a period of one (1) year or more or for life, or (B) death,  
21 and in the prosecution of which the death penalty is not being  
22 sought by the state; or

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

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

31           SECTION 2. This act shall take effect and be in force from  
32 and after January 1, 2003, provided that the constitutional  
33 amendment proposed by House Concurrent Resolution No. \_\_\_\_\_, 2001  
34 Regular Session, is duly ratified by the electorate at the  
35 November 2002, election.