HOUSE BILL NO. 1397

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

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

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

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

(a) "Criminal offenses" means:

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

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

(iii) Any misdemeanor offense which is tried in circuit or county court on indictment for such offense or as a lesser offense of an offense defined in subparagraph (i) or (ii) of this paragraph (a).
(b) "Capital offenses" means any criminal offense for which the maximum punishment authorized by the Legislature is death, and in the prosecution of which the death penalty is actually being sought by the state.

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