A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 31, MISSISSIPPI CONSTITUTION OF 1890, TO ALLOW A 10-2 JURY VERDICT IN NONCAPITAL CASES; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

(a) "Criminal offense" means:

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

(ii) Any offense for which the maximum punishment authorized by the Legislature is: 1. 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 2. death, if
ST: Amend Constitution; allow 10-2 verdict in certain criminal cases.

BE IT FURTHER RESOLVED, That this amendment shall be submitted to the qualified electors at an election to be held on the first Tuesday after the first Monday of November 2002 in the manner provided by the Constitution and by law.

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