HOUSE CONCURRENT RESOLUTION NO. 2

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
the death penalty is not being sought by the state in the
prosecution of the offense; or

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

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

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."