SENATE CONCURRENT RESOLUTION NO. 548

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 26, MISSISSIPPI CONSTITUTION OF 1890, TO ALLOW AN IMPARTIAL JURY TO BE DRAWN FROM A WIDER GEOGRAPHICAL AREA THAN THE COUNTY WHERE THE CRIME WAS COMMITTED; AND FOR RELATED PURPOSES.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the following amendment to the Mississippi Constitution of 1890 is proposed to the qualified electors of the state.

Amend Section 26, Mississippi Constitution of 1890, to read as follows:

Section 26. Rights of accused; state grand jury proceedings.

In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment or information, a speedy and public trial by an impartial jury drawn from an area as the Legislature may provide by law; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy or crime against nature the court may, in its discretion, exclude from the courtroom all persons except such as are necessary in the conduct of the trial.

Notwithstanding any other provisions of this Constitution, the Legislature may enact laws establishing a state grand jury with the authority to return indictments regardless of the county where the crime was committed. The subject matter jurisdiction of a state grand jury is limited to criminal violations of the Mississippi Uniform Controlled Substances Law or any other crime.
involving narcotics, dangerous drugs or controlled substances, or any crime arising out of or in connection with a violation of the Mississippi Uniform Controlled Substances Law or a crime involving narcotics, dangerous drugs or controlled substances if the crime occurs within more than one (1) circuit court district of the state or transpires or has significance in more than one (1) circuit court district of the state. The venue for the trial of indictments returned by a state grand jury shall be as prescribed by general law.

BE IT FURTHER RESOLVED, That the amendments in this resolution shall be submitted to the qualified electors at an election to be held on the first Tuesday after the first Monday of November, 2002 as provided by Section 273 of the Constitution and by general law.

BE IT FURTHER RESOLVED, That the explanation of the amendment for the ballot shall read as follows: "This proposed constitutional amendment provides that persons accused of a crime may be tried by a jury drawn from a wider geographical area than just the county in which the offense was alleged to be committed."