

By: Senator(s) Albritton

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 551

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

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

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

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

12 In all criminal prosecutions the accused shall have a right
13 to be heard by himself or counsel, or both, to demand the nature
14 and cause of the accusation, to be confronted by the witnesses
15 against him, to have compulsory process for obtaining witnesses in
16 his favor, and, in all prosecutions by indictment or information,
17 a speedy and public trial by an impartial jury drawn from an area
18 as the Legislature may provide by law; and he shall not be
19 compelled to give evidence against himself; but in prosecutions
20 for rape, adultery, fornication, sodomy or crime against nature
21 the court may, in its discretion, exclude from the courtroom all
22 persons except such as are necessary in the conduct of the trial.
23 Notwithstanding any other provisions of this Constitution, the
24 Legislature may enact laws establishing a state grand jury with
25 the authority to return indictments regardless of the county where
26 the crime was committed. The subject matter jurisdiction of a
27 state grand jury is limited to criminal violations of the
28 Mississippi Uniform Controlled Substances Law or any other crime

29 involving narcotics, dangerous drugs or controlled substances, or
30 any crime arising out of or in connection with a violation of the
31 Mississippi Uniform Controlled Substances Law or a crime involving
32 narcotics, dangerous drugs or controlled substances if the crime
33 occurs within more than one (1) circuit court district of the
34 state or transpires or has significance in more than one (1)
35 circuit court district of the state. The venue for the trial of
36 indictments returned by a state grand jury shall be as prescribed
37 by general law.

38 BE IT FURTHER RESOLVED, That the amendments in this
39 resolution shall be submitted to the qualified electors at an
40 election to be held on the first Tuesday after the first Monday of
41 November, 2004, as provided by Section 273 of the Constitution and
42 by general law.

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