

D R A F T

SUMMARY

Proposes amendment to Oregon Constitution to require unanimous verdicts by trial juries in criminal prosecutions.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. Section 11, Article I of the Constitution of the State of Oregon, is amended to read:

Sec. 11. Rights of Accused in Criminal Prosecution. (1) In all criminal prosecutions, *[the accused shall have]* **an accused person has** the right:

(a) *[to]* **To** public trial by an impartial jury in the county in which the offense *[shall have been]* **was** committed;

(b) *[to]* **To** be heard *[by himself and]* **on the accused person's own behalf and as represented by counsel;**

(c) *[to]* **To** demand the nature and cause of the accusation against *[him,]* **the accused person** and to have a copy *[thereof]* **of the accusation; and**

(d) *[to]* **To** meet the witnesses *[face to face]* **face-to-face**, and to have compulsory process for obtaining witnesses in *[his]* **the accused person's** favor[; *provided, however, that any*].

(2) **Notwithstanding subsection (1) of this section, an** accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone[, *such election to*]. **An election under this subsection must** be in writing[;].

1 **(3)** *[provided, however, that in the circuit court ten members of the jury*
2 *may render a verdict of guilty or not guilty, save and except a verdict of guilty*
3 *of first degree murder, which shall be found only by a unanimous verdict, and*
4 *not otherwise; provided further, that the existing laws and constitutional pro-*
5 *visions relative to criminal prosecutions shall be continued and remain in ef-*
6 *fect as to all prosecutions for crimes committed before the taking effect of this*
7 *amendment]* **In all criminal prosecutions, a verdict of guilty or not**
8 **guilty may be found only by a unanimous verdict.**

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10 **PARAGRAPH 2.** **The amendment proposed by this resolution shall**
11 **be submitted to the people for their approval or rejection at the next**
12 **regular general election held throughout this state.**

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