

HJR 10 STAFF MEASURE SUMMARY

Carrier: Rep. Williamson

House Committee On Rules

Action Date: 06/18/19

Action: Be Adopted.

Vote: 7-0-0-0

Yeas: 7 - Boles, Holvey, Nosse, Smith Warner, Sprenger, Williamson, Wilson

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 5/6, 6/18

WHAT THE MEASURE DOES:

Proposes amendment to the Oregon Constitution to allow juries to impose verdicts in criminal cases only by unanimous agreement. Refers proposed amendment to the people for their approval or rejection at the next general election.

ISSUES DISCUSSED:

- 49 other states
- Protection of the innocent

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Constitution authorizes 10 of 12 jurors in a criminal case to render a verdict of guilty or not guilty, unless the defendant is charged with "first degree murder," in which case the verdict must be unanimous. In 2018, Louisiana became the 49th state to require unanimous juries in criminal cases. In March of this year, the United States Supreme Court granted certiorari to review a Louisiana conviction based on a 10-2 vote. See *Ramos v. Louisiana*, 2019 U.S. Lexis 1833. *Ramos* will cause the United States Supreme Court to revisit their 1972 plurality opinion authorizing less than unanimous juries in criminal cases. See *Apodaca v. Oregon*, 406 U.S. 404 (1972). House Joint Resolution 10 requires unanimous verdicts in criminal cases.