For more than 120 years, Louisiana was an outlier among states allowing people to be convicted of serious offenses without the unanimous consent of a jury. In 2018, 64% of Louisiana voters voted for Amendment 2, which ended the practice of Jim Crow juries for future trials. In April 2020, the Supreme Court in *Ramos v. Louisiana* ruled that the Sixth Amendment right to a unanimous jury applies in Louisiana.

Neither of these efforts addressed many people who were convicted long ago by non-unanimous verdicts, leaving more than 1,500 Louisianans imprisoned on the basis of Jim Crow jury convictions—most of whom are serving life sentences without the possibility of parole. On December 2, 2020, the Supreme Court heard arguments in *Edwards v. Louisiana*, and is considering whether incarcerated people can raise a *Ramos* claim in the federal courts.

Regardless of what the Supreme Court decides, state legislators can and should address the continuing harms of Jim Crow juries by passing HB 346—a sensible, fiscally responsible solution.

**HB 346: A Louisiana Solution**

- HB 346 would allow anyone serving time due to a Jim Crow jury conviction to file for post-conviction relief over a three-year period.
- Once their post-conviction relief applications are resolved, prosecutors could seek new trials or offer plea deals to people imprisoned on the basis of Jim Crow jury verdicts.
- Incarcerated individuals could have the option of receiving immediate parole eligibility as an alternative to post-conviction relief, where they would instead go before the parole board—experienced correctional professionals—who would decide parole, potentially limiting the cost to the state.
- A three-year window for filings would allow for an orderly, manageable process of restoring justice.
The Case for Retroactivity:

- Jim Crow juries are a Louisiana problem and we need a solution developed here in Louisiana – not in Washington, DC.
- We have the power to erase this shadow of Jim Crow ourselves with a common-sense fix that minimizes the burden on our criminal legal system.
- HB 346 would bring Louisiana in line with 48 other states that have always required jury convictions to be unanimous, and have retried cases when a jury was not unanimous.
- Concerns about the costs of retroactivity are overblown. On average, there are only two non-unanimous jury convictions per assistant district attorney in Louisiana, but this legislation would further lower the costs.
- Louisiana can fix this now—waiting on the federal government will only result in higher costs, greater uncertainty, and a tsunami of backlogged filings.

HB 346 honors the will of Louisiana voters, 64 percent of whom voted for Amendment 2
- Continuing to incarcerate people convicted by non-unanimous juries costs taxpayers an estimated $29.8 million per year.

Perspectives

“Every judge must learn to live with the fact he or she will make some mistakes...But it is something else entirely to perpetuate something we all know to be wrong only because we fear the consequences of being right.”

Supreme Court Justice Neil Gorsuch

“Why stick by an erroneous precedent that is egregiously wrong as a matter of constitutional law, that allows convictions of some who would not be convicted under the proper constitutional rule, and that tolerates and reinforces a practice that is thoroughly racist in its origins and has continuing racially discriminatory effects?”

Supreme Court Justice Brett Kavanaugh

“A person incarcerated as a result of a non-unanimous jury verdict has faced the worst of an already racially-biased criminal justice system. Louisiana fostered an environment ripe for wrongful convictions but can begin to amend that error by allowing the opportunity for post-conviction relief.”

R Street

“Louisianans from all parts of the political spectrum came together in support of abolishing the practice of non-unanimous jury convictions and passed Amendment 2 overwhelmingly in 2018. House Bill 346 follows through on this mandate by restoring justice to those who were convicted by a Jim Crow jury before Amendment 2 became law. The people of Louisiana have demanded this injustice be fully rectified, and this legislation will allow our judicial system to fulfill that promise to our citizens in a just and orderly process.”

Ed Tarpley, Former District Attorney for Grant Parish

Jim Crow is part of Louisiana’s painful history, but is not who we are today. It’s time to get rid of this relic once and for all by voting YES on HB 346.

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