

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 733

H.P. 539

House of Representatives, February 14, 2003

An Act To Create the Fully Informed Jury Act

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOY of Crystal. (BY REQUEST)
Cosponsored by Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft,
SHERMAN of Hodgdon.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §1261 is enacted to read:

§1261. Fully Informed Jury Act

1. Short title. This section may be known and cited as "the Fully Informed Jury Act."

2. Power to judge law. A defendant's right to a trial by jury includes the right to inform the jury of the jury's power to judge the law as well as all the evidence and to render a verdict dictated by conscientious consideration.

3. Evidence. Once the jury has been informed in accordance with subsection 2, a party may not be prohibited from presenting arguments to the jury pertaining to issues of law and conscience, including the following:

A. The merit, intent, constitutionality or applicability of the law to the defendant's case;

B. The motive, moral perspective or circumstances of the defendant; and

C. The degree of guilt or actual harm done.

4. Mistrial or new trial. Failure to allow the defendant to inform the jury as provided in subsection 2 is grounds for a mistrial or a new trial by jury.

5. Application; actions. This section applies only to actions in which the State or a political subdivision of the State is the plaintiff, including prosecutions for civil violations.

6. Application; juries. This section applies to juries impaneled on or after October 1, 2003.

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SUMMARY

This bill enacts the Fully Informed Jury Act. It applies to all actions in which the defendant has a right to a jury trial and in which the State or a political subdivision of the State is the plaintiff.

This bill provides that the right to a trial by jury includes the right to inform the jury about the jury's power to judge the law as well as all the evidence. Failure to provide the defendant with the opportunity to inform the jury is grounds for a mistrial or a new trial.

2 A party may present evidence on the law, including its
4 merit, intent, constitutionality or applicability, as well as the
 motive, moral perspective or circumstances of the defendant.

6 This bill applies to juries impaneled on or after October 1,
 2003.