

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 308

H.P. 252

House of Representatives, January 19, 2007

An Act To Establish 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: GIFFORD of Lincoln, THOMAS of Ripley, VAUGHAN of Durham.

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

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

3 **§1261. Fully Informed Jury Act**

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

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

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

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

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

15 C. The degree of guilt or actual harm done; and

16 D. The sanctions that may be applied to the losing party.

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

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

22 **6. Application; juries.** This section applies to juries impaneled on or after October
23 1, 2007.

24 **SUMMARY**

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

28 The bill provides that the right to a trial by jury includes the right to inform the jury
29 of the jury's power to judge the law as well as all the evidence. Failure to allow the
30 defendant to so inform the jury is grounds for a mistrial or a new trial.

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

34 This bill applies to juries impaneled on or after October 1, 2007.