

AN ACT TO AMEND CHAPTER 18 OF THE NEW JUDICIARY LAW, CHAPTER 22 OF THE CIVIL PROCEDURE, AND CHAPTERS 20 AND 23 OF THE CRIMINAL PROCEDURE LAW TO PROVIDE FOR THE AMENDMENT OF THE LAW RELATING TO JURIES

IT IS ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY of the Liberia National Transitional Government of the Republic of Liberia in Legislature Assembled:

Section 1: Section 18.2(1), Qualification of Jurors of Chapter 18 of the New Judiciary Law is hereby amended and revised to read as follows (*amended words marked in bold and italics*):

18.2: Qualifications of jurors:

1. In all cases. Any citizen of the Republic, male or female, who has attained in the age of twenty-one year, is competent to serve as a grand or petit juror in the county in which he or she resides unless:
 - a) He or she has been convicted of an infamous crime and his civil rights have not been restored;
 - b) He or she is unable to speak, *read, write*, and understand the English language;
 - c) He or she is incapable by reason of mental or physical infirmity of rendering efficient jury service; or
 - d) He or she has served on a jury within the preceding year.

Section 2: Section 18.4, Compensation of Jurors of Chapter 18 of the New Judiciary law is hereby amended and revised to read as follows:

18.4: Compensation of jurors:

A juror shall receive a fee per diem for services rendered in a Circuit Court or on a coroner's jury as shall be determined by the Supreme Court of the Republic of Liberia.

Section 3: Section 18.6, Penalty for refusal to serve as a juror of Chapter 18 of the New Judiciary Law is hereby amended and revised to read as follows:

18.6: Penalty for refusal to serve as juror:

Persons punishable for refusal: any person who is summoned to serve as a juror and who is not exempt from such service under the provisions of this chapter and who without an excuse refuses to serve as a juror may be punished for contempt of court.

Section 4: Section 22.13, Unanimous verdict required; new trial on disagreement, of Chapter 22 of the Civil Procedure Law is hereby amended and revised to read as follows:

22.13: Two-thirds majority verdict required:

The consent of a two-thirds majority of the jurors is necessary for a verdict. If after the jury has been kept together for a reasonable time, the Court is satisfied that there is no prospect of a two-thirds majority verdict, the Court shall discharge the jury and direct a new trial before another jury.

Section 5: Section 20.11(2), Form of verdict, of Chapter 20 of the Criminal Procedure Law is hereby amended and revised to read as follows:

20.11(2) Form of verdict: the verdict shall be agreed upon by five-sixths or more of the jurors and shall be guilty or not guilty. If different offenses are charged in the indictment, the jurors shall, if they convict the defendant, make it appear by their verdict on which counts, if the indictment is divided into counts, or of what offenses, they find him guilty.

Section 6: Section 20.11(7), Poll of jury, of Chapter 20 of the Criminal Procedure Law is hereby amended and revised to read as follows:

20.11(7) Poll of jury: When a verdict is returned and before it is recorded the jury shall be polled at the request of any party or upon the court's own motion. If upon the poll, there is not concurrence of five-sixths or more of the jurors, the jury shall be discharged and a new trial awarded.

Section 7: Section 20.11(8), Discharge of jury, of Chapter 20 of the Criminal Procedure Law is hereby amended and revised to read as follows:

20.11(8) Discharge of jury: After the jurors have retired to consider their verdict, the court shall discharge them when:

- (a) Their verdict has been recorded;
- (b) A necessity exists for their discharge; or;
- (c) Upon the expiration of such time as the court deems proper, there is no reasonable probability that five-sixths or more of the jurors can agree upon a verdict.

Section 8: Chapter 23 of the Criminal Procedure Law is hereby amended and revised by inserting the following section immediately after Section 23.6:

23.7: Judges Authority.

In all criminal cases where the maximum penalty is Death or Life imprisonment, and the verdict is not unanimous, the judge shall not impose a death penalty.

This Act shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOT WITHSTANDING