member on each of the state college and university boards shall have all of the privileges and rights of other board members, including the right to vote.

and also:

AGAINST the proposed amendment to Paragraph (B) of Section 8 of Article VIII of the Louisiana Constitution, to authorize the legislature to provide for the membership of one student on the Board of Regents, and to provide that the student member on each of the state college and university boards shall have all of the privileges and rights of other board members, including the right to vote.

Each elector voting on this proposition for amending the constitution shall indicate his vote relative thereto in the manner provided by the election laws of the state of Louisiana.

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A true copy:

JAMES H. "Jim" BROWN
Secretary of State

ACT No. 843

Senate Bill No. 86.


A JOINT RESOLUTION

Proposing amendments to Paragraphs D and E of Section 5, Paragraph B of Section 8, and Section 10, all of Article V of the Constitution of Louisiana, relative to criminal appellate jurisdiction, to provide for direct appeal to the supreme court in criminal cases whenever a defendant has been convicted of a capital offense and a penalty of death has actually been imposed, and to vest jurisdiction for all other criminal cases in the courts of appeal.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Paragraphs D and E of Section 5, and Paragraph B of Section 8, and to amend Section 10, both of Article V of the Constitution of Louisiana, to read as follows:

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§5. Supreme Court; Jurisdiction; Rule Making Power; Assignment of Judges

Section 5.

* * *

(D) Appellate Jurisdiction. In addition to other appeals provided by this constitution, a case shall be appealable to the supreme court if (1) a law or ordinance has been declared unconstitutional or (2) the defendant has been convicted of a capital offense and a penalty of death actually has been imposed.

(E) Additional Jurisdiction until July 1, 1982. In addition to the provisions of Section 5(D) and notwithstanding the provisions of Section 5(D), or Sections 10(A)(3) and 10(C), the supreme court shall have exclusive appellate jurisdiction to decide criminal appeals where the defendant has been convicted of a felony or a fine exceeding five hundred dollars or imprisonment exceeding six months actually has been imposed, but only when an order of appeal has been entered prior to July 1, 1982 and shall have exclusive supervisory jurisdiction of all criminal writ applications filed prior to July 1, 1982 and of all criminal writ applications relating to convictions and sentences imposed prior to July 1, 1982.

* * *

§8. Courts of Appeal; Circuits; Panels; Judgments; Terms

* * *

(B) Judgments. A majority of the judges sitting in a case must concur to render judgment. However, in civil matters only, when a judgment of a district court is to be modified or reversed and one judge dissents, the case shall be reargued before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

* * *

§10. Courts of Appeal; Jurisdiction

Section 10(A). Jurisdiction. Except as otherwise provided by this constitution, a court of appeal has appellate jurisdiction of (1) all civil matters, (2) all matters appealed from family and juvenile courts, and (3) all criminal cases triable by a jury, except as provided in Section 5, Paragraph (D)(2) of this Article. It has supervisory jurisdiction over cases which arise within its circuit.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal
extends to law and facts. In criminal cases its appellate jurisdiction extends only to questions of law.

(C) Other Criminal Matters. In all criminal cases not provided for in Paragraph (D)(2) or Paragraph (E) of Section 5 or Paragraph (A)(3) of this Section, a defendant has a right of appeal or review, as provided by law.

Section 2. If approved by the electors of the state of Louisiana, this amendment shall take effect on July 1, 1982.

Section 3. This proposed amendment shall be submitted to the electors of the state of Louisiana at the next election for Representatives of Congress, to be held in Louisiana on the first Tuesday next following the first Monday of November, 1980.

Section 4. On the official ballot to be used at said election there shall be printed:

FOR the proposed amendments to Paragraphs D and E of Section 5, Paragraph B of Section 8, and Section 10 of Article V. of the Louisiana Constitution, to provide for the transfer of jurisdiction in criminal cases from the Supreme Court to the Courts of Appeal, except in criminal cases where a defendant has been convicted of a capital offense and the penalty of death actually has been imposed, and to retain the Supreme Court's discretion to grant a review in civil and criminal matters decided in all other courts.

and also:

AGAINST the proposed amendments to Paragraphs D and E of Section 5, Paragraph B of Section 8, and Section 10 of Article V. of the Louisiana Constitution, to provide for the transfer of jurisdiction in criminal cases from the Supreme Court to the Courts of Appeal, except in criminal cases where a defendant has been convicted of a capital offense and the penalty of death actually has been imposed, and to retain the Supreme Court's discretion to grant a review in civil and criminal matters decided in all other courts.

Each elector voting on this proposition for so amending the constitution shall indicate his vote relative thereto in the manner provided by the election laws of this state.

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A true copy:

JAMES H. “Jim” BROWN
Secretary of State

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