

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish the Fully Informed Jury Act

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 of the law or the applicability of the law to the defendant's case;
- B. The motive, moral perspective or circumstances of the defendant;
- C. The degree of guilt or actual harm done; and
- D. The sanctions that may be applied to the losing party.

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, 2007.

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.

The bill provides that the 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. Failure to allow the defendant to so inform the jury is grounds for a mistrial or a new trial.

HP0252, LD 308, item 1, 123rd Maine State Legislature
An Act To Establish the Fully Informed Jury Act

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

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