

# **ASSA SSC: STATEHOOD (PWOOG TASKFORCE)**

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## **Creating the Maximum Number of Hung Jury Re-trials**

### **ABSTRACT**

This bill, the "Inability to Convict Act of [Year]," seeks to establish clear limitations on retrials following a hung jury, ensuring fairness for defendants, promoting judicial efficiency, and encouraging comprehensive trial preparation. The legislation stipulates that criminal cases resulting in a hung jury may be retried only once, with exceptions allowed only when substantial new evidence emerges. The bill outlines procedural safeguards to protect defendants' rights, requires prosecutorial accountability, and emphasizes judicial discretion to ensure balanced application. Implementation provisions include funding for judicial training and oversight through annual reports evaluating the Act's impact on the justice system.

# A BILL

## To limit the number of retrials following a hung jury to one attempt.

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### SECTION 1. SHORT TITLE

This Act may be cited as the "**Inability to Convict Act of [Year]**".

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### SECTION 2. PURPOSE

The purpose of this Act is to:

1. Protect defendants from excessive retrials and undue hardship.
  2. Encourage both prosecution and defense to present comprehensive cases within the designated trials.
  3. Promote judicial efficiency by limiting the number of retrials following a hung jury to one attempt.
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### SECTION 3. DEFINITIONS

For purposes of this Act:

1. **Hung Jury:** A jury that, after deliberation, is unable to reach the unanimous decision to acquit or convict.
  2. **Retrial:** A subsequent trial initiated after a mistrial due to a hung jury.
  3. **Attempt:** A full trial that proceeds to jury deliberations.
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### SECTION 4. LIMITATION ON HUNG JURY RETRIALS

#### (a) General Rule:

A case resulting in a hung jury may be retried no more than once after the initial trial.

#### (b) Procedural Requirements:

1. After the first hung jury, (1) the prosecution must demonstrate to the court that sufficient grounds exist to proceed with a retrial and, (2) in the event retrial is granted, the court must reevaluate any detainment orders issued by the court at the request of the prosecution.
2. After the second hung jury (first retrial), the court shall dismiss the charges with prejudice, barring further prosecution of the same case.

#### (c) Exceptions:

This limitation does not apply in cases where substantial and relevant new evidence

comes to light that was not available during prior trials and could materially affect the outcome.

**(d) Application to Prosecutors:**

The prosecution shall present all available evidence and prepare its case comprehensively in anticipation of this limitation.

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## **SECTION 5. DEFENDANT RIGHTS AND JUDICIAL REVIEW**

**(a) Defendant Protections:**

1. A defendant subject to retrial must be afforded the same procedural and constitutional protections as in the original trial.
2. A defendant may file a motion to dismiss charges after a single hung jury retrial, citing this Act as the basis.

**(b) Judicial Discretion:**

The court retains discretion to determine whether exceptions under Section 4(c) apply, ensuring fairness to all parties.

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## **SECTION 6. IMPLEMENTATION AND EFFECTIVE DATE**

**(a) Effective Date:**

This Act shall take effect 180 days after enactment.

**(b) Applicability:**

The provisions of this Act shall apply to all criminal cases initiated on or after the effective date.

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## **SECTION 7. SEVERABILITY**

If any provision of this Act, or its application to any person or circumstance, is held invalid, the remainder of the Act and its application to other persons or circumstances shall not be affected.

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## **SECTION 8. FUNDING AND OVERSIGHT**

**(a) Funding:**

The Attorney General shall allocate funds for judicial training and procedural updates to implement this Act.

**(b) Oversight:**

The Department of Justice shall submit an annual report to the Senate and House Judiciary Committees evaluating the impact of this Act, including the number of cases dismissed after a hung jury retrial and its effect on judicial efficiency.

## **CONCLUSION**

This Act is intended to strike a balance between ensuring justice for all parties and maintaining the efficiency and integrity of the judicial system. By limiting the number of retrials following a hung jury, it seeks to reduce undue burdens on defendants, optimize judicial resources, and encourage the presentation of thorough and well-prepared cases. This Act reaffirms the principle that justice delayed is justice denied, while preserving the courts' ability to act in the interest of fairness when exceptional circumstances arise. Through its implementation, the "Inability to Convict Act of [Year]" aims to promote a more equitable and effective legal system for all.

## **AUTHOR BIO – ERIC PARKER**



**Eric Parker**, a resident of Idaho, is a prominent advocate for constitutional rights and a vocal critic of governmental overreach. He gained national attention for his involvement in the 2014 Bundy Ranch standoff, a high-profile event that highlighted tensions between federal authorities and private citizens over land use and property rights. Parker, often referred to as the “Bundy Ranch Sniper,” became widely recognized after a photograph captured him on an overpass, armed, during the standoff—a symbol of resistance to perceived government overreach.

Parker has since dedicated himself to raising awareness about individual liberties, accountability in government, and the preservation of constitutional rights. As a speaker and writer, Parker has actively addressed issues such as prosecutorial misconduct, federal militarization, and the erosion of due process. His writings and public appearances frequently focus on systemic failures within the justice system, particularly as they relate to high-profile cases like the Bundy Ranch incident.

Through his advocacy, Parker has emphasized the need for legal reforms, including greater accountability for government officials and protection of citizens' rights against abuses of power. He is an advocate for grassroots activism and believes in empowering individuals to understand and assert their rights under the Constitution. Parker resides in Idaho with his family and continues to engage with communities across the country, sharing his experiences and promoting a message of liberty and justice.

## **AUTHOR BIO – MARK HERR**



Mark Herr is the visionary founder of the Center for Self Governance (CSG), an innovative educational organization dedicated to promoting the principles of individual, relational, and societal self governance; the American Social Science Association and the Washington Systematic Policy and Learning Center, national and state-based institutions created to promote the development and distribution of systematic policy and the networking of systematic practitioners.

With a profound belief in the power of informed laymen to shape their communities and nations, Mark has spent over a decade empowering individuals to understand and exercise their self-governance effectively and practice systematic politics competitively.

Mark is a sought-after speaker and educator, known for his engaging teaching style and ability to distill complex concepts into actionable insights. His work has been featured in various media outlets, and he continues to inspire individuals to take ownership of their role in maintaining their individual, relational, and societal self governance.