

JAN 12 2001

JUDICIARY

HOUSE JOINT RESOLUTION

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BY KREIMAN

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa to eliminate the requirement that an
3 indictment by trial information for certain misdemeanors be
4 under oath.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HJR 2

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Section 11, unnumbered paragraph 1, of Article I of the
4 Constitution of the State of Iowa, as amended by amendment
5 number 2 of the Amendments of 1998, is amended to read as
6 follows:

7 All offenses less than felony and in which the maximum
8 permissible imprisonment does not exceed thirty days shall be
9 tried summarily before an officer authorized by law, on
10 information under oath penalty of perjury, without indictment,
11 or the intervention of a grand jury, saving to the defendant
12 the right of appeal; and no person shall be held to answer for
13 any higher criminal offense, unless on presentment or
14 indictment by a grand jury, except in cases arising in the
15 army, or navy, or in the militia, when in actual service, in
16 time of war or public danger.

17 Sec. 2. The foregoing amendment to the Constitution of the
18 State of Iowa is referred to the General Assembly to be chosen
19 at the next general election for members of the General
20 Assembly and the Secretary of State is directed to cause the
21 same to be published for three consecutive months previous to
22 the date of that election as provided by law.

23 EXPLANATION

24 This joint resolution proposes an amendment to the
25 Constitution of the State of Iowa regarding the current
26 requirement that an indictment by trial information in a
27 misdemeanor case, in which the maximum permissible
28 imprisonment does not exceed 30 days, be acknowledged under
29 oath. The resolution, in response to a recent Iowa supreme
30 court decision, provides that a trial information in a certain
31 misdemeanor case can be unsworn but must be acknowledged under
32 penalty of perjury.

33 The resolution, if adopted, would be referred to the next
34 general assembly for adoption before being submitted to the
35 electorate for ratification.