

FEB 23 1995

*Reprinted*  
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Place On Calendar

HOUSE JOINT RESOLUTION 11  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 92)

Passed House, <sup>(P. 1265)</sup> Date 4/5/95 Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes 95 Nays 1 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 limitation on fines for  
 3 offenses which may be summarily tried without indictment.  
 4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*HJR 11*

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

3 Section 11, unnumbered paragraph 1, Article I of the Con-  
4 stitution of the State of Iowa, is amended to read as follows:

5 All ~~offences~~ offenses less than felony and in which the  
6 punishment does not exceed ~~a fine of one hundred dollars, or~~  
7 imprisonment for thirty days, shall be tried summarily before  
8 ~~a justice of the peace, or other~~ an officer authorized by law,  
9 on information under oath, without indictment, or the inter-  
10 vention of a grand jury, saving to the defendant the right of  
11 appeal; and no person shall be held to answer for any higher  
12 criminal ~~offence~~ offense, unless on presentment or indictment  
13 by a grand jury, except in cases arising in the army, or navy,  
14 or in the militia, when in actual service, in time of war or  
15 public danger.

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

22 EXPLANATION

23 This joint resolution proposes an amendment to the  
24 Constitution of the State of Iowa regarding certain  
25 misdemeanors which are tried summarily by magistrates or other  
26 judicial officers, without indictment. It eliminates the  
27 limitation for the fines which may be imposed in matters which  
28 are tried in this manner, so that the only criteria is whether  
29 the punishment is 30 days or less of imprisonment. The  
30 resolution, if adopted, would be referred to the next general  
31 assembly for consideration before being submitted to the  
32 electorate for ratification.

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HOUSE JOINT RESOLUTION 11

H-3221

- 1 Amend House Joint Resolution 11 as follows:
- 2 1. Page 1, line 6, by striking the words
- 3 "punishment does not exceed" and inserting the
- 4 following: "~~punishment-does-not-exceed~~".
- 5 2. Page 1, line 7, by inserting before the word
- 6 "imprisonment" the following: "maximum permissible".
- 7 3. Page 1, line 7, by striking the word "for" and
- 8 inserting the following: "for does not exceed".

By DINKLA of Guthrie  
HARRISON of Scott

WITHDRAWN  
4-5-95

H-3221 FILED MARCH 2, 1995

HOUSE JOINT RESOLUTION 11

H-3750

- 1 Amend House Joint Resolution 11 as follows:
- 2 1. Page 1, line 6, by striking the words
- 3 "punishment does not exceed" and inserting the
- 4 following: "~~punishment-does-not-exceed~~".
- 5 2. Page 1, line 7, by inserting before the word
- 6 "imprisonment" the following: "maximum permissible".
- 7 3. Page 1, line 7, by striking the word "for" and
- 8 inserting the following: "fer does not exceed".
- 9 4. Page 1, line 7, by striking the word "days,"
- 10 and inserting the following: "days~~7~~".

By DINKLA of Guthrie  
HARRISON of Scott

H-3750 FILED APRIL 4, 1995

*Adopted 4-5-95  
(p. 1265)*

S. 4/19/96  
5-4/19/96 Do Vote

HOUSE JOINT RESOLUTION 11  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 92)

(As Amended and Passed by the House April 5, 1995)

Passed House, Date \_\_\_\_\_ Passed Senate, Date 3/26/96 (p. 1032)  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 48 Nays 0  
Approved \_\_\_\_\_

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of  
2 the State of Iowa to eliminate the limitation on fines for  
3 offenses which may be summarily tried without indictment.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

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

3 Section 11, unnumbered paragraph 1, Article I of the Con-  
4 stitution of the State of Iowa, is amended to read as follows:

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

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HSB 92

JUDICIARY

Harrison, Chair

Dinkla

Shultz

SENATE/HOUSE JOINT RESOLUTION \_\_\_\_\_

BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of  
2 the State of Iowa to eliminate the limitation on fines for  
3 offenses which may be summarily tried without indictment.

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

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

3 Section 11, unnumbered paragraph 1, Article I of the Con-  
4 stitution of the State of Iowa, is amended to read as follows:

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

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

22 EXPLANATION

23 This joint resolution proposes an amendment to the  
24 Constitution of the State of Iowa regarding certain  
25 misdemeanors which are tried summarily by magistrates or other  
26 judicial officers, without indictment. It eliminates the  
27 limitation for the fines which may be imposed in matters which  
28 are tried in this manner, so that the only criteria is whether  
29 the punishment is 30 days or less of imprisonment. The  
30 resolution, if adopted, would be referred to the next general  
31 assembly for consideration before being submitted to the  
32 electorate for ratification.

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same to be published for three consecutive months previous to the date of that election as provided by law.

HOUSE JOINT RESOLUTION 11

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF IOWA TO ELIMINATE THE LIMITATION ON FINES FOR OFFENSES WHICH MAY BE SUMMARILY TRIED WITHOUT INDICTMENT.

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

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

Section 11, unnumbered paragraph 1, Article I of the Constitution of the State of Iowa, is amended to read as follows:

All ~~offences~~ offenses less than felony and in which the ~~punishment does not exceed a fine of one hundred dollars, or maximum permissible imprisonment for~~ does not exceed thirty days, shall be tried summarily before ~~a justice of the peace,~~ or other an officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal ~~offence~~ offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

Sec. 2. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this resolution originated in the House and is known as House Joint Resolution 11, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House