

S-2/19/97 Judiciary  
S-2/27/97 Do Pass

FEB 13 1997  
Place On Calendar

HOUSE JOINT RESOLUTION 10  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 103)

(P. 365)

Passed House, Date 2.19.97

Passed Senate, Date 3/5/97 (P.495)

Vote: Ayes 96 Nays 0

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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HSR 10

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 proposed amendment to the  
18 Constitution of the State of Iowa, having been adopted and  
19 agreed to by the Seventy-sixth General Assembly, 1996 Session,  
20 thereafter duly published, and now adopted and agreed to by the  
21 Seventy-seventh General Assembly in this Joint Resolution,  
22 shall be submitted to the people of the State of Iowa at the  
23 general election in November of the year nineteen hundred  
24 ninety-eight in the manner required by the Constitution and  
25 laws of the State of Iowa.

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#### EXPLANATION

27 This Joint Resolution removes the \$100 limitation on simple  
28 misdemeanors currently in the state Constitution. The Joint  
29 Resolution was approved by the 76th General Assembly as HJR 11  
30 during the 1996 Session. If approved by the 77th General  
31 Assembly during the 1997 or 1998 Session, the proposed  
32 amendment will be submitted to the voters at the 1998 general  
33 election.

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Mulage, Ch.  
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HSB 103

JUDICIARY

Succeeded By  
SF/HF HJR 10

SENATE/HOUSE JOINT RESOLUTION \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S RESOLUTION)

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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4 stitution of the State of Iowa, is amended to read as follows:

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18 Constitution of the State of Iowa, having been adopted and  
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21 the Seventy-seventh General Assembly in this Joint Resolution,  
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23 general election in November of the year nineteen hundred  
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25 laws of the State of Iowa.

26 EXPLANATION

27 This Joint Resolution removes the \$100 limitation on simple  
28 misdemeanors currently in the state Constitution. The Joint  
29 Resolution was approved by the 76th General Assembly as HJR 11  
30 during the 1996 Session. If approved by the 77th General  
31 Assembly during the 1997 or 1998 Session, the proposed  
32 amendment will be submitted to the voters at the 1998 general  
33 election.

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HOUSE JOINT RESOLUTION 10

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 Con-  
stitution of the State of Iowa, is amended to read as follows:

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~~maximum permissible imprisonment for does not exceed~~ thirty  
days, shall be tried summarily before a ~~justice of the peace,~~  
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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,  
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militia, when in actual service, in time of war or public  
danger.

Sec. 2. The foregoing proposed amendment to the  
Constitution of the State of Iowa, having been adopted and  
agreed to by the Seventy-sixth General Assembly, 1996 Session,  
thereafter duly published, and now adopted and agreed to by  
the Seventy-seventh General Assembly in this Joint Resolution,  
shall be submitted to the people of the State of Iowa at the

general election in November of the year nineteen hundred  
ninety-eight in the manner required by the Constitution and  
laws of the State of Iowa.

\_\_\_\_\_  
RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House Joint Resolution 10, Seventy-seventh General  
Assembly.

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ELIZABETH ISRAKSON  
Chief Clerk of the House