A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article I, section 10, of the Constitution of the State of Hawaii to no longer permit prosecutors and the attorney general to initiate felony criminal charges by filing a written information signed by the prosecutor or the attorney general setting forth the charge in accordance with procedures and conditions provided by the state legislature.

SECTION 2. Article I, section 10, of the Constitution of the State of Hawaii is amended to read as follows:

"INDICTMENT; PRELIMINARY HEARING; INFORMATION;

DOUBLE JEOPARDY; SELF-INCrimINATION

Section 10. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury or upon a finding of probable cause after a preliminary hearing held as provided by law [or upon information in writing signed by a legal prosecuting officer]
under conditions and in accordance with procedures that the
legislature may provide], except in cases arising in the armed
forces when in actual service in time of war or public danger;
nor shall any person be subject for the same offense to be twice
put in jeopardy; nor shall any person be compelled in any
criminal case to be a witness against oneself."

SECTION 3. The question to be printed on the ballot shall
be as follows:

"Shall Hawaii's constitution be amended to no longer permit
the initiation of criminal charges for felonies by a legal
prosecuting officer through the filing of a signed, written
information setting forth the charge in accordance with
procedures and conditions provided by the state legislature?"

SECTION 4. Constitutional material to be repealed is
bracketed and stricken.

SECTION 5. This amendment shall take effect upon
compliance with article XVII, section 3, of the Constitution of
the State of Hawaii.

INTRODUCED BY: 

BY REQUEST JAN 2 2 2019
Report Title:
Constitutional Amendment; Felonies; Prosecution

Description:
Proposes to amend article I, section 10 of the Hawaii Constitution to no longer allow initiation of a felony prosecution by a criminal prosecuting officer through the filing of a signed written information setting forth the charge.

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