

IN THE SENATE

SENATE JOINT RESOLUTION NO. 104

BY JUDICIARY AND RULES COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE I, OF THE CONSTITUTION OF THE
2 STATE OF IDAHO, RELATING TO THE RIGHT TO BAIL; TO PROVIDE FOR DENIAL OF
3 BAIL IN CERTAIN CIRCUMSTANCES; STATING THE QUESTION TO BE SUBMITTED TO
4 THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATE-
5 MENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH
6 THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.
7

8 Be It Resolved by the Legislature of the State of Idaho:

9 SECTION 1. That Section 6, Article I, of the Constitution of the State
10 of Idaho be amended to read as follows:

11 Section 6. RIGHT TO BAIL -- CRUEL AND UNUSUAL PUNISHMENTS
12 PROHIBITED. On and after July 1, 2019, aAll persons shall be bail-
13 able by sufficient sureties, except for capital offenses, where
14 the proof is evident or the presumption great and in situations in
15 which bail may be denied under this section. Excessive bail shall
16 not be required, nor excess fines imposed, nor cruel and unusual
17 punishments inflicted. A court may deny bail pending trial for a
18 defendant charged with a dangerous crime, as defined by the legis-
19 lature, if, upon motion of the court or the prosecuting authority
20 and a hearing, the court finds by clear and convincing evidence
21 that no bail or release conditions or combination thereof will rea-
22 sonably protect the safety of any other person or the community or
23 reasonably assure the defendant's appearance at trial.

24 SECTION 2. The question to be submitted to the electors of the State of
25 Idaho at the next general election shall be as follows:

26 "Shall Section 6, Article I, of the Constitution of the State of Idaho
27 be amended to allow a court to deny bail for a dangerous crime if, upon mo-
28 tion of the court or the prosecuting authority and a hearing, the court finds
29 by clear and convincing evidence that no bail or release conditions will rea-
30 sonably protect the safety of any other person or the community or reasonably
31 assure the defendant's appearance at trial?".

32 SECTION 3. The Legislative Council is directed to prepare the state-
33 ments required by Section 67-453, Idaho Code, and file the same.

34 SECTION 4. The Secretary of State is hereby directed to publish this
35 proposed constitutional amendment and arguments as required by law.