

House Concurrent Resolution No. 5018

By Committee on Federal and State Affairs

3-23

1 A PROPOSITION to amend section 22 of article 2 of the constitution of
2 the state of Kansas; relating to legislative immunity from arrest and
3 civil service of process.

4
5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
6 *members elected (or appointed) and qualified to the House of*
7 *Representatives and two-thirds of the members elected (or appointed)*
8 *and qualified to the Senate concurring therein:*

9 Section 1. The following proposition to amend the constitution of
10 the state of Kansas shall be submitted to the qualified electors of the state
11 for their approval or rejection: Section 22 of article 2 of the constitution
12 of the state of Kansas is hereby amended to read as follows:

13 "§ 22. **Legislative immunity.** For any speech, written
14 document or debate in either house, the members shall not be
15 questioned elsewhere. ~~No member of the legislature shall be~~
16 ~~subject to arrest — except for treason, felony or breach of the~~
17 ~~peace — in going to, or returning from, the place of meeting, or~~
18 ~~during the continuance of the session; neither shall he be subject to~~
19 ~~the service of any civil process during the session, nor for fifteen~~
20 ~~days previous to its commencement."~~

21 Sec. 2. The following statement shall be printed on the ballot with
22 the amendment as a whole:

23 "*Explanatory statement.* The purpose of this amendment is to
24 remove the constitutional provision allowing legislators to
25 have immunity from being arrested in going to, or returning
26 from, the place of meeting, or during the continuance of the
27 legislative session or from being served with civil process
28 during the legislative session or 15 days prior to the
29 commencement of the legislative session.

30 "A vote for this proposition would remove the provision in the
31 Kansas constitution that provides for immunity from arrest
32 while going to, or returning from, the place of meeting, or
33 during the continuance of the legislative session and from
34 civil service of process for legislators during the legislative
35 session or 15 days prior to the commencement of the
36 legislative session.

1 "A vote against this proposition would not make any changes to
2 the constitution and would maintain the current provisions
3 related to legislative immunity."

4 Sec. 3. This resolution, if approved by two-thirds of the members
5 elected (or appointed) and qualified to the House of Representatives and
6 two-thirds of the members elected (or appointed) and qualified to the
7 Senate, shall be entered on the journals, together with the yeas and nays.
8 The secretary of state shall cause this resolution to be published as
9 provided by law and shall cause the proposed amendment to be submitted
10 to the electors of the state at the general election in November in the year
11 2022, unless a special election is called at a sooner date by concurrent
12 resolution of the legislature, in which case it shall be submitted to the
13 electors of the state at the special election.