



General Assembly

**House Joint  
Resolution No. 99**

January Session, 2009

LCO No. 3311

\*03311\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and  
Elections

Introduced by:  
(GAE)

**RESOLUTION PROPOSING AN AMENDMENT TO THE STATE  
CONSTITUTION CONCERNING THE PRACTICES AND PROCEDURES  
OF THE COURTS.**

Resolved by this Assembly:

1 That the following be proposed as an amendment to the  
2 Constitution of the State, which, when approved and adopted in the  
3 manner provided by the Constitution, shall, to all intents and  
4 purposes, become a part thereof:

5 Section 1 of article twentieth of the amendments to the Constitution  
6 is amended to read as follows:

7 The judicial power of the state shall be vested in a supreme court, an  
8 appellate court, a superior court, and such lower courts as the general  
9 assembly shall, from time to time, ordain and establish. The powers,  
10 procedures and jurisdiction of these courts shall be defined by law.  
11 The judges of the Superior Court shall have the power to prescribe  
12 general rules of practice and procedure and rules of evidence for cases  
13 in the courts of the state. Such rules shall not abridge, enlarge or

14 modify any substantive right. Any current law or rule in conflict with  
15 such rules shall be of no force or effect after such rules have taken  
16 effect. The judges of the Superior Court shall transmit to the General  
17 Assembly not later than January first of the year in which a rule  
18 prescribed under this section is to become effective a copy of the  
19 proposed rule. Such rule shall take effect no earlier than July first of  
20 the year in which such rule is so transmitted unless otherwise  
21 provided by law. The judges of the Superior Court may establish the  
22 extent to which such rule shall apply to proceedings then pending,  
23 except that the judges of the Superior Court shall not require the  
24 application of such rule to proceedings then pending to the extent that,  
25 in the opinion of the court in which such proceedings are pending, the  
26 application of such rule in such proceedings would not be feasible or  
27 would work injustice, in which event the former rule shall be applied.

28 RESOLVED: That the foregoing proposed amendment to the  
29 Constitution be continued to the next session of the General Assembly  
30 elected at the general election to be held on November 2, 2010, and  
31 published with the laws passed at the present session, or be presented  
32 to the electors at the general election to be held on November 2, 2010,  
33 whichever the case may be, according to article sixth of the  
34 amendments to the Constitution. The designation of said proposed  
35 amendment to be used on the voting machine ballot labels and  
36 absentee ballots at such election shall be "Shall the Constitution of the  
37 State be amended to provide that the procedures of the courts of this  
38 state shall be defined by law and that the judges of the Superior Court  
39 shall prescribe general rules of practice and procedure and rules of  
40 evidence for cases in the courts of the state?"