



General Assembly

**House Joint
Resolution No. 171**

February Session, 2024

LCO No. 1919



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**RESOLUTION PROPOSING AN AMENDMENT TO THE STATE
CONSTITUTION TO REVISE REQUIREMENTS RELATING TO THE
OFFERING OF BAIL OR PRETRIAL RELEASE TO PERSONS
ACCUSED OF A CRIME.**

Resolved by this Assembly:

1 Section 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 purposes,
4 become a part thereof:

5 Subsection (a) of article twenty-nine of the amendments to the
6 Constitution is amended to read as follows:

7 a. In all criminal prosecutions, the accused shall have a right to be
8 heard by [himself] the accused's self and by counsel; to be informed of
9 the nature and cause of the accusation; to be confronted by the witnesses
10 against [him] the accused; to have compulsory process to obtain
11 witnesses in [his] behalf of the accused; [to be released on bail upon
12 sufficient security, except in capital offenses, where the proof is evident
13 or the presumption great;] and in all prosecutions by information, to a
14 speedy, public trial by an impartial jury. The accused shall be eligible

15 for pretrial release, except the court may deny pretrial release to the
16 accused if the court finds no conditions of pretrial release reasonably
17 assure the appearance of the accused in court when required, or protect
18 the safety of any other person or the community, or prevent the accused
19 from obstructing or attempting to obstruct the criminal justice process.
20 The general assembly may provide by law procedures, terms and
21 conditions applicable to pretrial release and the denial thereof. No
22 person shall be compelled to give evidence against [himself] such
23 person's self, nor be deprived of life, liberty or property without due
24 process of law, nor shall excessive bail be required nor excessive fines
25 imposed. No person shall be held to answer for any crime, punishable
26 by [death or] life imprisonment, unless upon probable cause shown at a
27 hearing in accordance with procedures prescribed by law, except in the
28 armed forces, or in the militia when in actual service in time of war or
29 public danger.

30 RESOLVED: That the foregoing proposed amendment to the
31 Constitution be continued to the next session of the General Assembly
32 elected at the general election to be held on November 4, 2024, and
33 published with the laws passed at the present session, or be presented
34 to the electors at the general election to be held on November 4, 2024,
35 whichever the case may be, according to article sixth of the amendments
36 to the Constitution. The designation of said proposed amendment to be
37 used on the ballots at such election shall be "Shall the Constitution of the
38 State be amended to permit criminal defendants to be held in pretrial
39 detention without release under circumstances where no conditions of
40 pretrial release would (1) reasonably assure the appearance of the
41 defendant in court when required, (2) protect the safety of any other
42 person or the community, or (3) prevent the defendant from obstructing
43 or attempting to obstruct the criminal justice process; and to delete
44 obsolete language referencing capital offenses and crimes punishable by
45 death?"