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# 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:**

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

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

10                           **"INDICTMENT; PRELIMINARY HEARING; INFORMATION;**

11   **DOUBLE JEOPARDY; SELF-INCRIMINATION**

12           **Section 10.** No person shall be held to answer for a  
13 capital or otherwise infamous crime, unless on a presentment or  
14 indictment of a grand jury or upon a finding of probable cause  
15 after a preliminary hearing held as provided by law [~~or upon~~  
16 ~~information in writing signed by a legal prosecuting officer~~



# H.B. NO. 805

1 ~~under conditions and in accordance with procedures that the~~  
 2 ~~legislature may provide]~~, except in cases arising in the armed  
 3 forces when in actual service in time of war or public danger;  
 4 nor shall any person be subject for the same offense to be twice  
 5 put in jeopardy; nor shall any person be compelled in any  
 6 criminal case to be a witness against oneself."

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

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

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 Constitutional material to be repealed is  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

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

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INTRODUCED BY: *Dele A. Deleffi*

BY REQUEST JAN 22 2019



# H.B. NO. 805

**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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

