

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. J. R. No. 4

**Senator Williams
Cosponsor: Senator Tavares**

A JOINT RESOLUTION

Proposing to amend Section 10 of Article I of the 1
Constitution of the State of Ohio to eliminate the 2
requirement that a felony be prosecuted only on 3
presentment or indictment by a grand jury. 4

Be it resolved by the General Assembly of the State of 5
Ohio, three-fifths of the members elected to each house 6
concurring herein, that there shall be submitted to the electors 7
of the state, in the manner prescribed by law at the general 8
election to be held on November 8, 2016, a proposal to amend 9
Section 10 of Article I of the Constitution of the State of Ohio 10
to read as follows: 11

ARTICLE I 12

Section 10. ~~Except in cases of impeachment, cases arising~~ 13
~~in the army and navy, or in the militia when in actual service~~ 14
~~in time of war or public danger, and cases involving offenses~~ 15
~~for which the penalty provided is less than imprisonment in the~~ 16
~~penitentiary, no person shall be held to answer for a capital,~~ 17
~~or otherwise infamous, crime, unless on presentment or~~ 18
~~indictment of a grand jury; and the number of persons necessary~~ 19
~~to constitute such grand jury and the number thereof necessary~~ 20

~~to concur in finding such indictment shall be determined by law.~~ 21
In any trial, in any court, the party accused shall be allowed 22
to appear and defend in person and with counsel; to demand the 23
nature and cause of the accusation against him, and to have a 24
copy thereof; to meet the witnesses face to face, and to have 25
compulsory process to procure the attendance of witnesses in his 26
behalf, and a speedy public trial by an impartial jury of the 27
county in which the offense is alleged to have been committed; 28
but provision may be made by law for the taking of the 29
deposition by the accused or by the state, to be used for or 30
against the accused, of any witness whose attendance can not be 31
had at the trial, always securing to the accused means and the 32
opportunity to be present in person and with counsel at the 33
taking of such deposition, and to examine the witness face to 34
face as fully and in the same manner as if in court. No person 35
shall be compelled, in any criminal case, to be a witness 36
against himself; but his failure to testify may be considered by 37
the court and jury and may be the subject of comment by counsel. 38
No person shall be twice put in jeopardy for the same offense. 39

EFFECTIVE DATE AND REPEAL 40

If adopted by a majority of the electors voting on this 41
proposal, Section 10 of Article I of the Constitution of the 42
State of Ohio as amended by this proposal shall take effect 43
immediately, and existing Section 10 of Article I of the 44
Constitution of the State of Ohio is repealed from that 45
effective date. 46

SCHEDULE 47

Until the General Assembly amends the Revised Code 48
provisions or the Supreme Court amends the Rules of Criminal 49
Procedure provisions governing the prosecution of felonies and 50
the functioning of grand juries, felonies shall be prosecuted in 51

the same manner as under the statutes and rules as they exist on
the effective date of this amendment.