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SENATE JOINT RESOLUTION 8218

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators A. Smith and Quigley

Read first time 01/10/94. Referred to Committee on Law & Justice.

1            BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3            THAT, At the next general election to be held in this state there  
4 shall be submitted to the qualified voters of the state for their  
5 approval and ratification, or rejection, an amendment to Article I,  
6 sections 21 and 22 of the Constitution of the state of Washington to  
7 read as follows:

8            Article I, section 21. The right of trial by jury for serious  
9 offenses shall remain inviolate, but the legislature may provide for a  
10 jury of any number less than twelve in courts not of record, and for a  
11 verdict by nine or more jurors in civil cases in any court of record,  
12 and for waiving of the jury in civil cases where the consent of the  
13 parties interested is given thereto. A criminal offense carrying a  
14 maximum term of incarceration of less than six months shall not be  
15 considered a serious offense unless the defendant can demonstrate by a  
16 preponderance of the evidence that any additional statutory penalties,  
17 viewed in conjunction with the maximum authorized term of  
18 incarceration, are so severe that they reflect a legislative  
19 determination that the offense is a serious offense.

1 Article I, section 22. In criminal prosecutions the accused shall  
2 have the right to appear and defend in person, or by counsel, to demand  
3 the nature and cause of the accusation against him, to have a copy  
4 thereof, to testify in his own behalf, to meet the witnesses against  
5 him face to face, to have compulsory process to compel the attendance  
6 of witnesses in his own behalf, to have a speedy public trial, for a  
7 serious offense by an impartial jury of the county in which the offense  
8 is charged to have been committed, and the right to appeal in all  
9 cases: *Provided*, The route traversed by any railway coach, train or  
10 public conveyance, and the water traversed by any boat shall be  
11 criminal districts; and the jurisdiction of all public offenses  
12 committed on any such railway car, coach, train, boat or other public  
13 conveyance, or at any station or depot upon such route, shall be in any  
14 county through which the said car, coach, train, boat or other public  
15 conveyance may pass during the trip or voyage, or in which the trip or  
16 voyage may begin or terminate. In no instance shall any accused person  
17 before final judgment be compelled to advance money or fees to secure  
18 the rights herein guaranteed.

19 BE IT FURTHER RESOLVED, That the foregoing amendment shall be  
20 construed as a single amendment within the meaning of Article XXIII,  
21 section 1 of the state Constitution.

22 The legislature finds that the changes contained in the foregoing  
23 amendment constitute a single integrated plan for limiting the right to  
24 a jury trial to serious offenses. if the foregoing amendment is held  
25 to be separate amendments, this joint resolution shall be void in its  
26 entirety and shall be of no further force and effect.

27 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
28 notice of the foregoing constitutional amendment to be published at  
29 least four times during the four weeks next preceding the election in  
30 every legal newspaper in the state.

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