LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature
Second Regular Session - 2018

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE RIGHT TO BAIL; TO PROVIDE FOR DENIAL OF BAIL IN CERTAIN CIRCUMSTANCES; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:

9 SECTION 1. That Section 6, Article I, of the Constitution of the State of Idaho be amended to read as follows:

Section 6. RIGHT TO BAIL -- CRUEL AND UNUSUAL PUNISHMENTS PROHIBITED. On and after July 1, 2019, aAll persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great and in situations in which bail may be denied under this section. Excessive bail shall not be required, nor excess fines imposed, nor cruel and unusual punishments inflicted. A court may deny bail pending trial for a defendant charged with a dangerous crime, as defined by the legislature, if, upon motion of the court or the prosecuting authority and a hearing, the court finds by clear and convincing evidence that no bail or release conditions or combination thereof will reasonably protect the safety of any other person or the community or reasonably assure the defendant's appearance at trial.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 6, Article I, of the Constitution of the State of Idaho be amended to allow a court to deny bail for a dangerous crime if, upon motion of the court or the prosecuting authority and a hearing, the court finds by clear and convincing evidence that no bail or release conditions will reasonably protect the safety of any other person or the community or reasonably assure the defendant's appearance at trial?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.