

As Introduced

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

S. J. R. No. 6

Senator Williams

A JOINT RESOLUTION

Proposing to amend Section 10 of Article I of the 1
Constitution of the State of Ohio to allow the 2
prosecutor in a felony case to elect to prosecute upon 3
a finding of probable cause by a court following a 4
hearing rather than upon indictment by a grand jury. 5

Be it resolved by the General Assembly of the State of 6
Ohio, three-fifths of the members elected to each house 7
concurring herein, that there shall be submitted to the electors 8
of the state, in the manner prescribed by law at the general 9
election to be held on November 8, 2016, a proposal to amend 10
Section 10 of Article I of the Constitution of the State of Ohio 11
to read as follows: 12

ARTICLE I 13

Section 10. Except in cases of impeachment, cases arising 14
in the army and navy, or in the militia when in actual service 15
in time of war or public danger, and cases involving offenses 16
for which the penalty provided is less than imprisonment in the 17
penitentiary, no person shall be held to answer for a capital, 18
or otherwise infamous, crime, unless on presentment or 19
indictment of a grand jury or, at the option of the prosecutor, 20
on a finding by a court, following a public hearing, of probable 21

cause to believe that the person committed the crime; and the 22
number of persons necessary to constitute ~~such a~~ grand jury ~~and~~ 23
, the number thereof necessary to concur in finding ~~such an~~ 24
indictment, and the manner in which grand juries function and 25
probable cause hearings are conducted shall be determined by 26
law, or, to the extent authorized by section 5(B) of Article IV 27
of this constitution, by rules prescribed by the supreme court. 28
In any trial, in any court, the party accused shall be allowed 29
to appear and defend in person and with counsel; to demand the 30
nature and cause of the accusation against him, and to have a 31
copy thereof; to meet the witnesses face to face, and to have 32
compulsory process to procure the attendance of witnesses in his 33
behalf, and a speedy public trial by an impartial jury of the 34
county in which the offense is alleged to have been committed; 35
but provision may be made by law for the taking of the 36
deposition by the accused or by the state, to be used for or 37
against the accused, of any witness whose attendance can not be 38
had at the trial, always securing to the accused means and the 39
opportunity to be present in person and with counsel at the 40
taking of such deposition, and to examine the witness face to 41
face as fully and in the same manner as if in court. No person 42
shall be compelled, in any criminal case, to be a witness 43
against himself; but his failure to testify may be considered by 44
the court and jury and may be the subject of comment by counsel. 45
No person shall be twice put in jeopardy for the same offense. 46

EFFECTIVE DATE AND REPEAL 47

If adopted by a majority of the electors voting on this 48
proposal, Section 10 of Article I of the Constitution of the 49
State of Ohio as amended by this proposal shall take effect 50
immediately, and existing Section 10 of Article I of the 51
Constitution of the State of Ohio is repealed from that 52

effective date.	53
SCHEDULE	54
Until the General Assembly amends the Revised Code	55
provisions or the Supreme Court amends the Rules of Criminal	56
Procedure provisions governing the prosecution of felonies and	57
the functioning of grand juries, felonies shall be prosecuted in	58
the same manner as under the statutes and rules as they exist on	59
the effective date of this amendment.	60