

2003 SENATE JOINT RESOLUTION 9

January 23, 2003 – Introduced by Senators JAUCH, HANSEN and CARPENTER, cosponsored by Representatives ZIEGELBAUER, HAHN, HUBLER, HEBL and CULLEN. Referred to Committee on Judiciary, Corrections and Privacy.

1 To amend so as in effect *to repeal* section 15 of article IV of the constitution; **relating**
2 **to:** abolishing the constitutional grant of legislative immunity from arrest and
3 civil process (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2003 legislature on first consideration, repeals that provision of the state constitution which: 1) grants to the members of the legislature immunity from arrest in all cases except treason, felony, and breach of the peace; and 2) exempts the members of the legislature from civil process during the session of the legislature as well as for 15 days before and after the session.

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

4 ***Resolved by the senate, the assembly concurring, That:***

5 **SECTION 1.** Section 15 of article IV of the constitution is amended so as in effect
6 to repeal said section:

7 [Article IV] Section 15. ~~Members of the legislature shall in all cases, except~~
8 ~~treason, felony and breach of the peace, be privileged from arrest; nor shall they be~~

1 ~~subject to any civil process, during the session of the legislature, nor for fifteen days~~
2 ~~next before the commencement and after the termination of each session.~~

3 ***Be it further resolved, That*** this proposed amendment be referred to the
4 legislature to be chosen at the next general election and that it be published for 3
5 months previous to the time of holding such election.

6 (END)