

2023 -- H 5310

LC000476

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION -- JURY NULLIFICATION AS PROPER TRIAL DEFENSE ARGUMENT

Introduced By: Representatives Place, Rea, and Nardone

Date Introduced: February 01, 2023

Referred To: House State Government & Elections

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefor, the following amendment to the Constitution of the state be proposed to
3 the qualified electors of the state in accordance with the provisions of Article XIV of the
4 Constitution for their approval and that it adds an additional section to Article I, which is hereby
5 amended, effective January 1, 2025, to read as follows:

6 **SECTION 25.** Jury Nullification as Proper Criminal Trial Defense Argument.

7 A criminal defendant shall, as a matter of right, have the right to argue that the jury,
8 during its deliberations, should take into consideration, not just the law, but the facts, the nature
9 of the charge and whether the law, which the defendant has been charged with violating, is
10 morally repugnant, outdated or unfair to the citizenry, and those accused of violating the law, or
11 that the subject criminal law charged is unconstitutional.

12 RESOLVED, That the said proposition of amendment shall be submitted to the electors
13 for their approval or rejection at the next statewide general election. The voting places in the
14 several cities and towns shall be kept open during the hours required by law for voting therein for
15 general officers of the state; and be it further

16 RESOLVED, That the Secretary of State shall cause the said proposition of amendment
17 to be published as a part of the resolution in the newspapers of the state prior to the date of the
18 said meetings of the said electors; and the said proposition shall be inserted in the warrants or
19 notices to be issued previous to said meetings of the electors for the purpose of warning the town,

1 ward, or district meetings, and said proposition shall be read by the town, ward, or district
2 meetings to be held as aforesaid; and be it further

3 RESOLVED, That the town, ward, and district meetings to be held as aforesaid shall be
4 warned, and the list of voters shall be canvassed and made up, and the said town, ward, and
5 district meetings shall be conducted in the same manner as now provided by law for the town,
6 ward, and district meetings for the elections of general officers of the state.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
JOINT RESOLUTION
TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION -- JURY NULLIFICATION AS PROPER TRIAL
DEFENSE ARGUMENT

- 1 This joint resolution would propose to the voters a constitutional amendment which
- 2 would allow a criminal defendant to argue jury nullification as a defense.

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