

1 **PROPOSAL TO AMEND UTAH CONSTITUTION --**
2 **TERMINOLOGY UPDATE**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Deidre M. Henderson**

6 House Sponsor: John Knotwell

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature proposes to amend the Utah Constitution to
11 modify gender-specific terminology.

12 **Highlighted Provisions:**

13 This resolution proposes to amend the Utah Constitution to:

- 14 ▶ revise gender-specific terminology to be gender neutral.

15 **Special Clauses:**

16 This resolution directs the lieutenant governor to submit this proposal to voters.

17 This resolution provides a contingent effective date of January 1, 2021, for this
18 proposal.

19 **Utah Constitution Sections Affected:**

20 AMENDS:

21 **ARTICLE I, SECTION 1**

22 **ARTICLE I, SECTION 11**

23 **ARTICLE I, SECTION 12**

24 **ARTICLE VI, SECTION 7**

25 **ARTICLE VI, SECTION 20**

26 **ARTICLE VI, SECTION 33**

28 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
29 *of the two houses voting in favor thereof:*

30 Section 1. It is proposed to amend Utah Constitution, Article I, Section 1, to read:

31 **Article I, Section 1. [Inherent and inalienable rights.]**

32 All [~~men~~] persons have the inherent and inalienable right to enjoy and defend their lives
33 and liberties; to acquire, possess and protect property; to worship according to the dictates of
34 their consciences; to assemble peaceably, protest against wrongs, and petition for redress of
35 grievances; to communicate freely their thoughts and opinions, being responsible for the abuse
36 of that right.

37 Section 2. It is proposed to amend Utah Constitution, Article I, Section 11, to read:

38 **Article I, Section 11. [Courts open -- Redress of injuries.]**

39 All courts shall be open, and every person, for an injury done to [~~him in his~~] the person
40 in his or her person, property, or reputation, shall have remedy by due course of law, which
41 shall be administered without denial or unnecessary delay; and no person shall be barred from
42 prosecuting or defending before any tribunal in this State, [~~by himself or~~] with or without
43 counsel, any civil cause to which [~~he~~] the person is a party.

44 Section 3. It is proposed to amend Utah Constitution, Article I, Section 12, to read:

45 **Article I, Section 12. [Rights of accused persons.]**

46 In criminal prosecutions the accused shall have the right to appear and defend in person
47 and by counsel, to demand the nature and cause of the accusation [~~against him~~], to have a copy
48 thereof, to testify in [~~his~~] the accused's own behalf, to be confronted by the witnesses against
49 [~~him~~] the accused, to have compulsory process to compel the attendance of witnesses in [~~his~~]
50 the accused's own behalf, to have a speedy public trial by an impartial jury of the county or
51 district in which the offense is alleged to have been committed, and the right to appeal in all
52 cases. In no instance shall any accused person, before final judgment, be compelled to advance
53 money or fees to secure the rights herein guaranteed. The accused shall not be compelled to
54 give evidence against himself or herself; a [~~wife~~] person shall not be compelled to testify
55 against [~~her husband, nor a husband against his wife~~] the person's spouse, nor shall any person
56 be twice put in jeopardy for the same offense.

57 Where the defendant is otherwise entitled to a preliminary examination, the function of

58 that examination is limited to determining whether probable cause exists unless otherwise
59 provided by statute. Nothing in this constitution shall preclude the use of reliable hearsay
60 evidence as defined by statute or rule in whole or in part at any preliminary examination to
61 determine probable cause or at any pretrial proceeding with respect to release of the defendant
62 if appropriate discovery is allowed as defined by statute or rule.

63 Section 4. It is proposed to amend Utah Constitution, Article VI, Section 7, to read:

64 **Article VI, Section 7. [Ineligibility of legislator to office created at term for**
65 **which elected.]**

66 No member of the Legislature, during the term for which ~~[he]~~ the member was elected,
67 shall be appointed or elected to any civil office of profit under this State, which shall have been
68 created, or the emoluments of which shall have been increased, during the term for which ~~[he]~~
69 the member was elected.

70 Section 5. It is proposed to amend Utah Constitution, Article VI, Section 20, to read:

71 **Article VI, Section 20. [Service of articles of impeachment.]**

72 No person shall be tried on impeachment, unless ~~[he]~~ the person shall have been served
73 with a copy of the articles thereof, at least ten days before the trial, and after such service ~~[he]~~
74 the person shall not exercise the duties of ~~[his]~~ office until ~~[he shall have been]~~ acquitted.

75 Section 6. It is proposed to amend Utah Constitution, Article VI, Section 33, to read:

76 **Article VI, Section 33. [Legislative auditor appointed.]**

77 The Legislature shall appoint a legislative auditor to serve at its pleasure. The
78 legislative auditor shall have authority to conduct audits of any funds, functions, and accounts
79 in any branch, department, agency or political subdivision of this state and shall perform such
80 other related duties as may be prescribed by the Legislature. ~~[He]~~ The legislative auditor shall
81 report to and be answerable only to the Legislature.

82 Section 7. **Submittal to voters.**

83 The lieutenant governor is directed to submit this proposed amendment to the voters of
84 the state at the next regular general election in the manner provided by law.

85 Section 8. **Contingent effective date.**

86 If the amendment proposed by this joint resolution is approved by a majority of those
87 voting on it at the next regular general election, the amendment shall take effect on January 1,
88 2021.