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HOUSE JOINT RESOLUTION 4205

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State of Washington                      54th Legislature                      1995 Regular Session

By Representative Fuhrman

Read first time 01/23/95. Referred to Committee on Law and Justice.

1            BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3            THAT, At the next general election to be held in this state there  
4 shall be submitted to the qualified voters of the state for their  
5 approval and ratification, or rejection, an amendment to Article IV,  
6 section 16 of the Constitution of the state of Washington to read as  
7 follows:

8            Article IV, section 16. (1) Judges shall not charge juries with  
9 respect to matters of fact, nor comment thereon, but shall declare the  
10 law, except as provided in subsection (2) of this section.

11            (2) An accused or aggrieved party's right to trial by jury, in all  
12 instances where the government or any of its agencies is an opposing  
13 party, includes the right to inform the jurors of their power to judge  
14 the law as well as the evidence, and to vote on the verdict according  
15 to conscience.

16            This right shall not be infringed by any statute, juror oath, court  
17 order, or procedure or practice of the court, including the use of any  
18 method of jury selection that could preclude or limit the empanelment  
19 of jurors willing to exercise this power. This right shall not be  
20 infringed by preventing any party to the trial, once the jurors have

1 been informed of their powers, from presenting arguments to the jury  
2 that may pertain to issues of law and conscience, including (a) the  
3 merit, intent, constitutionality, or applicability of the law in the  
4 instant case; (b) the motives, moral perspective, or circumstances of  
5 the accused or aggrieved party; (c) the degree and direction of guilt  
6 or actual harm done; or (d) the sanctions that may be applied to the  
7 losing party.

8 Failure to allow the accused or aggrieved party or counsel for that  
9 party to so inform the jury shall be grounds for mistrial and another  
10 trial by jury.

11 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
12 notice of the foregoing constitutional amendment to be published at  
13 least four times during the four weeks next preceding the election in  
14 every legal newspaper in the state.

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