Republic of the Marshall Islands
Jepilpin Ke Ejukaan

CONSTITUTIONAL CONVENTION
(AMENDMENT) (3) ACT 2016

Introduced by:

____________________
SENATOR ATBI RIKLON

Approved:

____________________  ____________________
PRINTED NAME        SIGNATURE
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CONSTITUTIONAL CONVENTION (AMENDMENT) (3) ACT 2016

A BILL FOR AN ACT to amend the Constitutional Convention Act 2015, in order to include additional proposals for the amendment of the Constitution of the Republic of the Marshall Islands.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§1. Short Title

This Act may be cited as the Constitutional Convention (Amendment) (3) Act 2016.

§2. Amendments

(1) Schedule 1 of the Constitutional Convention Act, 2015 is further amended by adding new Proposal 21 and to be inserted after Proposal No. 20 to read as follows:

“Proposal No. 21. – Article I, Section 4 (7): To amend Article I, Section 4 (7) which gives legal protection of witnesses giving evidence against himself, spouse, parent, child, or sibling, etc to read as follows:

(7) No person shall be compellable in any criminal case including domestic violence case or fraud case, to be a witness against himself, or against his or her spouse, parent, child, or sibling, or to give testimonial evidence against any such
person whenever that evidence might directly or indirectly be used if necessary to obtain such person’s criminal conviction.

(2) Schedule 1 of the Constitutional Convention Act, 2015 is further amended by adding new Proposal 22 to be inserted after Proposal No. 21 to read as follows:

“Proposal No. 22 – Article IV, Section 6 (2): To amend Article 4 (6) (2) which deal with the seat of any members of the Nitijela which becomes vacant for any reason other than the dissolution of Nitijela, to read as follows:

(2) If the seat of any member of the Nitijela becomes vacant for any reasons other than the dissolution of the Nitijela, the vacant remainder of the term shall be filled at an election in the electoral district which he represented, held at the time prescribed by law, and conducted in accordance with Sections 3, 4 and 5 of this Article by the candidate with the next highest amount of votes in the previous general election for that electoral ward, provided that the candidate is still qualified. If the candidate with the next highest amount of votes declined or disqualified, the candidate with the next highest amount of votes shall serve the term.

(3) Schedule 1 of the Constitutional Convention Act, 2015 is further amended by adding new Proposal 22 and to be inserted after Proposal No. 21 to read as follows:

“Proposal No. 23 – Article XI, Section 2 (b): To amend Article XI, Section 2 (b) to stringent and prolong the period of resident as one of the citizenship requirements, from 3 years to 7 years to read as follows:

(b) that he has been a legal resident in the Republic for not less than 7 years, and is the parent of a child who is a citizen of the Republic; or…”

(4) Schedule 1 of the Constitutional Convention Act, 2015 is further amended by adding new Proposal 22 and to be inserted after Proposal No. 21 to read as follows:

“Proposal No. 24 – Article I, Section 4 (c): To amend Article I, Section 4 (c) to hold both national and local governments subject to forfeiture of property or assets to satisfy judgment, to read as follows:
(c) the Government of the Republic and any local government shall not be immune from suit in respect of their own actions or those of their agents, but not any property or other assets of the Government of the Republic or of any local government shall be seized or attached to satisfy any judgment.”

§3. Effective Date

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.
NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

CONSTITUTIONAL CONVENTION (AMENDMENT) (3)
ACT 2016

SIGNATURES

DATE: __________  INTRODUCED BY ________________________  ______________________

Print Name  Signature

DATE: __________  INTRODUCED BY ________________________  ______________________

Print Name  Signature

DATE: __________  INTRODUCED BY ________________________  ______________________

Print Name  Signature
This Bill proposes to amend the Constitutional Convention Act 2015, in order to include as proposal for the following amendments to the Constitution:

(1) To amend Article I, Section 4 (7) to give exception for which a witness can testify against his or her spouse, parent, child, sibling or others against their will where it is a criminal case, domestic violence case or fraud case.

(2) To amend Article 4 (6) (2) which deal with the seat of any members of the Nitijela which becomes vacant for any reason other than the dissolution of Nitijela, to reduce expenses for re-election, the candidate with the next highest amount of votes in the previous general election for that electoral district to fill the vacancy.

(3) To amend Article XI, Section 2 (b) to stringent citizenship requirements for RMI, by requiring a legal residency and prolonging the period of resident from 3 years to 10 years.

(4) To amend Article I, Section 4 (c) to hold both national and local governments subject to forfeiture of property or assets to satisfy judgment.