

REFERENCE TITLE: **life; liberty; property; due process**

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **SCR 1049**

Introduced by  
Senator Farnsworth D

**A CONCURRENT RESOLUTION**

**PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 38; RELATING TO FUNDAMENTAL LIBERTY INTERESTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Article II, Constitution of Arizona, is proposed to be amended  
4 by adding section 38 as follows if approved by the voters and on  
5 proclamation of the Governor:

6 38. Fundamental liberty interests: life, liberty and  
7 property; due process

8 SECTION 38. A. FUNDAMENTAL LIBERTY INTERESTS SHALL  
9 INCLUDE BUT NOT BE LIMITED TO:

10 1. INCARCERATION OR DETENTION FOR NOT MORE THAN  
11 FORTY-EIGHT HOURS.

12 2. RIGHT TO PARENT YOUR OWN CHILDREN OR CARE FOR FAMILY  
13 MEMBERS, VULNERABLE ADULTS OR ELDERS.

14 3. CHILDREN ARE PROTECTED FROM ALL THREATS TO THEIR  
15 SAFETY AND WELL-BEING.

16 4. NEARLY EQUAL DIVISION OF PARENTING TIME IN  
17 DISSOLUTION PROCEEDINGS.

18 5. THE RIGHT TO BEAR ARMS.

19 6. INTEGRITY OF OUR ELECTIONS.

20 7. MONEY OR PROPERTY THE AGGREGATE VALUE OF WHICH  
21 EXCEEDS \$2,500.

22 8. THE RIGHT TO DEFEND THE CLIENT WITHOUT RESERVATION  
23 AND BE LICENSED TO PRACTICE LAW.

24 9. FREEDOMS OF SPEECH AND OF THE PRESS AND EQUAL  
25 PROTECTION UNDER THE LAW.

26 B. MINIMUM DUE PROCESS FOR A FUNDAMENTAL LIBERTY  
27 INTEREST SHALL INCLUDE BUT NOT BE LIMITED TO:

28 1. JURY:

29 (a) A SPEEDY PUBLIC BENCH TRIAL.

30 (b) SUBSEQUENT JURY TRIAL IF REQUESTED BY A PARTY.

31 2. TRUTH: TO BE CONFRONTED BY ACCUSERS AND EVIDENCE  
32 WHICH IS NOT FALSE OR PERJURY, NOR EXCULPATORY EVIDENCE  
33 WITHHELD, VIOLATIONS OF WHICH ARE CRIMINAL AND SHALL BE  
34 PROSECUTED AT THE EXCLUSIVE DISCRETION OF THE GRAND JURY.

35 3. REPRESENTATION BY AN ATTORNEY WHO IS NOT SUBJECT TO  
36 CONFLICT OF INTEREST OR COERCIVE CONTROL AND THUS FREE AND  
37 COMPELLED TO DEFEND THE RIGHTS OF THE ATTORNEY'S CLIENT  
38 WITHOUT RESERVATION.

39 4. DISCLOSURE: BEING ADVISED OF THESE RIGHTS IS  
40 REQUIRED PRIOR TO ESTABLISHING JURISDICTION IN A CASE.

1           C. THIS SECTION SETS MINIMUM STANDARDS THAT HAVE NOT  
2           PREVIOUSLY EXISTED. NOTHING IN THIS SECTION SHALL EVER BE  
3           CONSTRUED TO DIMINISH OTHER RIGHTS FOUND IN THIS CONSTITUTION  
4           AS AMENDED, WHICH IS THE SUPREME LAW OF THE LAND.

5           2. The Secretary of State shall submit this proposition to the  
6 voters at the next general election as provided by article XXI,  
7 Constitution of Arizona.