

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:

Section 1.     **Short Title**

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

Section 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~~ A person shall be compelled in any criminal case to be a witness against ~~himself,~~ ~~or~~ against his 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 where:

(a) an allegation of violence is against the spouse or partner;

(b) an allegation of violence against a person who was at the material time under

the age of eighteen years or above;

1 (c) an alleged sexual offence against a victim who was at the material time under  
2 the age below 18 years or above; or

3 (d) the person is attempting, conspiring or aiding and abetting, counseling and  
4 procuring to commit the offences in the categories above.

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

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

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

20  
21 (3) Schedule 1 of the Constitutional Convention Act, 2015 is further amended by adding new  
22 Proposal 22 and to be inserted after Proposal No. 21 to read as follows:

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

4       (b) that he has been a legal resident in the Republic for not less than ~~3~~ 7 years, and is the  
5       parent of a child who is a citizen of the Republic; or...”

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

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10       **“Proposal No. 24 – Article I, Section 4 (c):** To amend Article I, Section 4 (c) to hold  
11       both national and local governments liable for forfeiture of property or assets to satisfy  
12       judgment, to read as follows:

13       (c) the Government of the Republic and any local government shall not be immune from  
14       suit in respect of their own actions or those of their agents. ~~but not~~ Any property or other  
15       assets of the Government of the Republic or of any local government shall be seized or  
16       attached to satisfy any judgment.”

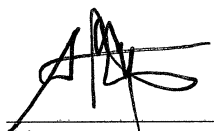
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19       Section 3.       **Effective Date**

20       This Act shall take effect on the date of certification in accordance with Article IV,  
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22       Section 21 of the Constitution.

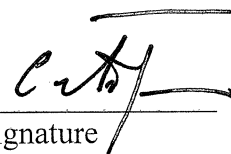
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Date: 3-9-16

Introduced by:

Atbi A. Riklon   
Sen. Atbi Riklon Signature

Daisy Alik-Monotaro   
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Carsten Nerru   
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**BILL SUMMARY**

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4 The Bill proposes to amend the Constitutional Convention Act 2015, in order to include as proposal for  
5 the following amendments to the Constitution:  
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7 (1) To amend Article I, Section 4 (7) to give exception for which a witness can testify against  
8 their spouse, parent, child, sibling or others against their will.  
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10 (2) To amend Article 4 (6) (2) which deal with the seat of any members of the Nitijela which  
11 becomes vacant for any reason other than the dissolution of Nitijela, to reduce expenses for re-  
12 election, the candidate with the next highest amount of votes in the previous general election for  
13 that electoral district to fill the vacancy.  
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15 (3) To amend Article XI, Section 2 (b) to stringent citizenship requirements for RMI, by  
16 requiring a legal residency and prolonging the period of resident from 3 years to 7 years.  
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18 (4) To amend Article I, Section 4 (c) to hold both national and local governments liable for  
19 forfeiture of property or assets to satisfy judgment.  
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