

Criminal procedure: other; process of determining rebellion or invasion; clarify.

Criminal procedure: other; Constitutional amendments: state;

HOUSE JOINT RESOLUTION

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article I, to require the supreme court to determine whether there is a rebellion or invasion occurring in this state under certain circumstances.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to require the supreme court to determine whether there is a rebellion or invasion occurring in this state



under certain circumstances, is proposed, agreed to, and submitted to the people of the state:

ARTICLE I

Sec. 12. **(1)** The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

(2) On the request of the governor or attorney general, or by a resolution passed by a roll call vote of both chambers of the legislature requesting a determination, the supreme court shall determine whether or not there is a rebellion or invasion in this state such that public safety requires the suspension of the writ of habeas corpus.

(3) A determination under subsection (2) must be made not more than 48 hours after a request is filed with the court.

Resolved further, That the foregoing amendment shall be submitted to the people of the state at the next general election in the manner provided by law.