

Any delegates who do not have copies of Amendments C or W will please indicate, and the pages will bring them to you.

Any delegates who have not received a copy of the amendment marked N, "N" for "nobody," or C, W, or N, just keep your hand up for a few moments.

Mrs. Marks, will somebody please get copies of C, W, and N and bring them to us?

Are there any other amendments to section 4.31?

The Chair hears none.

Are there any amendments to section 4.32?

The Chair hears none.

Are there any amendments to section 4.33?

The Chair hears none.

Are there any amendments to section 4.34?

The Chair hears none.

Delegate Byrnes, do you desire to offer your Amendment "A" for "able"?

DELEGATE BYRNES: Yes, sir.

THE PRESIDENT: The pages will please distribute Amendment A. This will be Amendment No. 18.

The Clerk will read the amendment.

READING CLERK: Amendment No. 18, to Committee Recommendations EB-1 and EB-2 as amended by Report S&D-13, by Delegate Byrnes: On page 13, section 4.34, State's Attorney in line 34 after the period insert the following new sentence: "Candidates for the office of state's attorney may cross file in party primary elections and shall run in party primary elections and in general elections without party designation."

THE PRESIDENT: The amendment is offered by Delegate Byrnes.

Is there a second?

*(Whereupon, the amendment was duly seconded.)*

THE PRESIDENT: The amendment is seconded by Delegate Barrick.

The Chair recognizes Delegate Byrnes.

DELEGATE BYRNES: Mr. Chairman and members of the Convention: I do not

want to devote a great deal of time to you again. We submitted this to your consideration on first reading, and it lost by I think only ten votes. Subsequent to that, a sufficient number of people, I might say, suggested that they might like the opportunity of voting on it. There were twenty-five people who were not able to vote the first time around. To recapitulate briefly, the point of the amendment is to attempt in a very slight way to bring the office of state's attorney closer to a non-partisan tone or atmosphere.

We suggest that non-partisan office of state's attorney is necessary. With the very sensitive role that he plays in the prosecution of criminals and the protection of the liberties of all the people of the State in the jurisdiction over which he proceeds, this is somebody we have to be very concerned about.

This does not cover all the reforms, but the Committee took a wise step forward in permitting the General Assembly to establish state's attorneys in districts rather than strictly counties. The point of that suggestion by the Committee was to recognize that from county to county to county there are great variations in quality and competence among the state's attorneys. There is a great need in the future for a consolidated, coordinated statewide system of prosecution with some local autonomy. This amendment says the state's attorneys will have the same privilege that we afford the judges. They may cross file. This will grant the state's attorneys a greater freedom of action. The state's attorneys suggest that they find this to be a desirable approach to their election.

The Executive Branch Committee itself first decided that they were going to recommend this in the transitional legislation. However, they were apprised of the fact that this is not appropriate for that, and they did not think it appropriate for the Constitution itself. They therefore dropped it.

I think this would be a very wise, formidable step forward at this point. It will not be a dramatic thing. It will lead to a greater efficiency and productivity and raise the level of integrity and professionalism in all the offices of the State.

The last time we debated this, the point was made effectively by Delegate Hanson that the policies of the state's attorneys are something that should be subjected to the will of the people. We concede to that. Certainly the law enforcement problem is