

Proposal No.: CC-PR-4-14

Assigned to: Committee on Government Structure & Functions

PROPOSAL TO AMEND CONSTITUTION

To add a new Section 4 of Article XII of the Constitution to create the Office of Independent Public Prosecutor.

Section 4.

- (a) The Independent Public Prosecutor is appointed by the President with the advice and consent of Congress. He serves for a term of 4 years and until a successor is confirmed.
- (b) The Independent Public Prosecutor shall investigate and prosecute the criminal misuse of public funds by any branch, department, agency or statutory authority of the national government and in other public legal entities, non-profit organizations or individuals which has received public funds from the national government. Additional duties may be prescribed by statute.
- (c) The Independent Public Prosecutor shall be independent of administrative control except that he shall report at least once a year to the President and Congress.
- (d) The Congress may remove the Independent Public Prosecutor from office for cause by 2/3 vote. In that event, the Chief Justice shall appoint an acting Independent Public Prosecutor until a successor is confirmed.

PURPOSE AND INTENT OF AMENDMENT:

This proposal would add a new Section 4 of Article XII of the Constitution to create the new office, similar to the Public Auditor, with its main task to investigate and prosecute people, governments, offices, etc. that receive and misuse public funds from the National Government.

We must have a balancing office to hold people accountable for misuse of public funds. While we have a Public Defender Office to defend individuals for wrong doing, it must be balanced by having an Office to prosecute those, who tend to violate our laws for misuse of public funds. We have seen over the years, that while our Public Auditor has found misuse of public funds and has made referrals to the Department of Justice for further investigation, too often, no further action has been taken. It is common sense that the Attorney General may be conflicted because of non-insulation from politics due to the appointment and confirmation process for the position of chief law enforcement official of the Land.

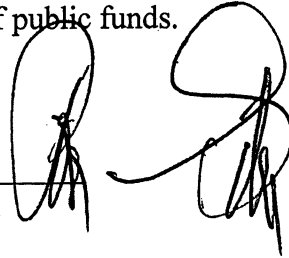
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Comm: Gov't Structure &
Function

While there may be a concern that an additional constitutional officer will add to the cost of operating the Government, it is envisaged that the Government could actually save money by reducing the amount of public funds being abused, by governments, offices, individuals, and public officials. Accountability has been a popular word for government officials, but put into practice is very difficult. The new Office of Independent Public Prosecutor will promote and enhance accountability for the use of public funds.

Proposed by Delegate: _____

Peter Sitan



Date: _____

1/11/20