

Glen C. Simmons
63 Via Pico Plaza #541
San Clemente, CA 92672

Email: GlenCSimmons@UNIV.US.com

Krystal M. Paris
Initiative Coordinator
Office of the Attorney General
13400 I Street, 17th Floor
Sacramento, CA 95814

00-0049
RECEIVED
OCT 08 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Krystal,

Please prepare a title and summary for the enclosed amendment. I have enclosed herein the required signed and certified statement, together my check for \$200, made payable to the Office of the Attorney General, State of California.

Please *do not* make any contact information available to the public with the following two exceptions:

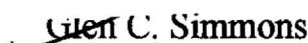
GlenCSimmons@UNIV.US.com

Glen C. Simmons/Amendment
63 Via Pico Plaza #541
San Clemente, CA 82672

Please advise me immediately if you require anything further from me at this time.

I want to take this opportunity to thank you and your colleagues once again for your advice and assistance in developing this proposed amendment.

Sincerely,


Glen C. Simmons

California Citizens Initiative

09 - 0049

Fundamental premise: It is NOT unreasonable for the people of California to demand that those who comprise the Public Trust tell them the truth!

Proposed Amendment to the California State Constitution

Any person who functions within the 'Public Trust' who knowingly and intentionally makes a false statement of a Material Fact to the public that is reasonably likely to influence the public regarding the passage or repeal of legislative act(s), election or non-election of a candidate for public office, retention of a person in public office, or the employment or dismissal of a person in a public position including employment by any California state, county or local government (hereinafter referred to as "false statement") shall be held criminally liable. Upon conviction, said person will be immediately suspended from holding any position wherein they would function within the Public Trust.

Material Fact Defined

A fact that would be important to a reasonable person in deciding whether to engage or not to engage in a particular action; an important fact as distinguished from some unimportant or trivial detail.

Persons defined as 'included' in the Public Trust

- (1) Any person running for elected office in the state, county, or local government in California and who makes a false statement in connection with their running for that office,
- (2) any person who holds a state, county or local government office in California,
- (3) any person who is appointed to a position in California state, county or local government that is normally occupied by an elected official,
- (4) any person who is employed by any California state, county or local government,
- (5) any person elected to the US House of Representatives and/or the US Senate by the voters of California,
- (6) any person who is selected, appointed, and/or otherwise employed in any capacity whatsoever to service and/or support a duly elected California US Representative or US Senator,
- (7) any person who engages in writing, publishing or otherwise disseminating information from or in the Mass Media.

Exemption

- (1) An opinion or statement made to the public by any person in the Public Trust (as previously defined herein), shall not be considered a *false statement*, provided the statement is accompanied by a clear disclaimer declaring in advance of making the statement that the opinion or statement is the personal opinion of the person making the statement, and/or is based only on information and belief and may not be a provable fact,
- (2) any private and/or personal communication by a person in the Public Trust shall not be considered a *false statement* provided the statement remains unpublished by the Mass Media, or is published through no fault of the person rendering the opinion or making the statement. A statement made to the Mass Media by a person in the Public Trust is presumed to be made for publication, unless the person making the statement specifically requests that the statement not be made public.

Mass Media Defined

Mass media includes any television or radio station that is required to have an FCC license and operates in the State of California, any newspaper in general circulation in California, including but not limited to any daily, weekly, or monthly newspapers or magazines sold, distributed, and/or otherwise made available to the public in California, or on any campus of a publicly owned educational institution in California.

Criminal Process and Penalty

The People of the State of California (State Attorney General's Office) as well as any citizen of California, or lawful organization, or group of persons organized under the laws of California and/or lawfully recognizable in California shall have the power and standing to criminally prosecute a person in the Public Trust for making a *false statement*, as defined herein.

Any person in the Public Trust who is convicted of making a *false statement* shall be *immediately suspended* from any office, employment or function within the Public Trust. The convicted person shall be sentenced to a prison term of 2 to 10 years and/or fined ten thousand to five hundred thousand dollars. When said conviction becomes final, the convicted person shall be prohibited for life from any employment, appointment, or function of any kind within the Public Trust. If the criminal prosecution is conducted by a private citizen, organization, or group of persons (hereinafter referred to as Private Prosecuting Plaintiff) then the convicted person shall be liable for all costs and attorneys fees of the Private Prosecuting Plaintiff. If a prosecution by the Private Prosecuting Plaintiff results in acquittal, all costs and attorneys fees of the defense shall be awarded to the accused.

A US Senator or Congressman elected from California will not be automatically removed or suspended from office upon conviction under this amendment, if such removal or suspension conflicts with federal law. However, their conviction shall be brought to the attention of the US Senate or House of Representatives, as applicable. An employee or agent of the federal government will not be automatically removed or suspended from office upon conviction under this amendment, if such removal or suspension conflicts with federal law. However the conviction shall be brought to the attention of the appropriate federal agency or branch of the federal government.