

By Senators Burt and Dudley

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Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 17 of Article I of the State
Constitution relating to excessive punishments.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 17 of Article I
of the State Constitution is agreed to and shall be submitted
to the electors of this state for approval or rejection at the
next general election or at an earlier special election
specifically authorized for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 17. Excessive punishments.--Excessive fines,
cruel and ~~or~~ unusual punishment, attainder, forfeiture of
estate, indefinite imprisonment, and unreasonable detention of
witnesses are forbidden. The courts shall construe whether a
punishment is cruel and unusual in conformity with the 8th
Amendment to the United States Constitution, as interpreted by
the United States Supreme Court in its decisions, regardless
of the date those decisions were rendered. Unless otherwise
determined by the United States Supreme Court, a method of
executing the death penalty is not a penalty or punishment.

BE IT FURTHER RESOLVED that the following statement be placed
on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE I, SECTION 17

CRUEL AND UNUSUAL PUNISHMENT.--Proposing an amendment
to the State Constitution to require that for a punishment to

1 be prohibited it must be both cruel and unusual rather than
2 either cruel or unusual and to provide that such prohibition
3 is to be construed in conformity with the same prohibition
4 found in the U.S. Constitution and that a method of executing
5 the death penalty is not a penalty or punishment.
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