

By Senators Burt and Dudley

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Senate Joint Resolution No. \_\_\_\_

A joint resolution proposing an amendment to Section 10 of Article I of the State Constitution, relating to prohibited laws, to direct the courts how to decide whether a law is an ex post facto law.

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

That the following amendment to Section 10 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 by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 10. Prohibited laws.--No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed. The courts shall construe whether a law is ex post facto in conformity with Article I, Sections 9 and 10, of 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 execution is not a penalty or punishment, and a law that provides for retrospective application of a method of execution that was not prescribed by law when a person committed a capital offense is not an ex post facto law.

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

CONSTITUTIONAL AMENDMENT

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ARTICLE I, SECTION 10

EX POST FACTO LAW.--Proposing an amendment to the State Constitution which directs the courts how to construe whether a law is an ex post facto law. Declares that a method of execution is not a penalty or punishment and a law that provides for the retrospective application of a method of execution that was not prescribed by law when a person committed a capital offense is not an ex post facto law.