

Bill No. HJR 3505

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Lee moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the resolving clause

16 and insert:

17 That the following amendment to Section 17 of Article I

18 of the State Constitution is agreed to and shall be submitted

19 to the electors of this state for approval or rejection at the

20 general election to be held in November 1998:

21 ARTICLE I

22 DECLARATION OF RIGHTS

23 SECTION 17. Excessive punishments.--Excessive fines,

24 cruel and ~~or~~ unusual punishment, attainder, forfeiture of

25 estate, indefinite imprisonment, and unreasonable detention of

26 witnesses are forbidden. The death penalty is an authorized

27 punishment for capital crimes designated by the legislature

28 and is not limited or restrained by this constitution. The

29 prohibition against cruel or unusual punishment and the

30 prohibition against cruel and unusual punishment shall be

31 construed in conformity with decisions of the United States

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1 Supreme Court which interpret the prohibition against cruel
 2 and unusual punishment provided in the Eighth Amendment to the
 3 United States Constitution. However, any method of execution
 4 shall be allowed, unless specifically prohibited by the United
 5 States Supreme Court. Methods of execution may be designated
 6 by the legislature, and a change in any method of execution
 7 may be applied retroactively. A sentence of death shall not be
 8 reduced on the basis that a method of execution is invalid. In
 9 any case in which a method of execution is declared invalid,
 10 the death sentence shall remain in force until the sentence
 11 can be lawfully executed by any valid method. This section
 12 shall apply retroactively.

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

15 CONSTITUTIONAL AMENDMENT

16 ARTICLE I, SECTION 17

17 CRUEL AND UNUSUAL PUNISHMENT.--Proposing an amendment
 18 to the State Constitution to authorize the death penalty;
 19 require construction of "cruel or unusual" and "cruel and
 20 unusual" punishment to conform to the United States Supreme
 21 Court's interpretation of the Eighth Amendment; authorize
 22 execution methods not specifically prohibited by the United
 23 States Supreme Court; allow the retroactive application of
 24 execution methods; prohibit the reduction of a death sentence
 25 based on invalidity of the execution method; and provide
 26 retroactive applicability.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the resolving clause

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1 and insert:

2 House Joint Resolution No. ____

3 A joint resolution proposing an amendment to s.

4 17, Art. I of the State Constitution, relating

5 to excessive punishment.

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