Bill No. <u>HJR 3505</u>

Amendment No. ____

CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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11 | Senator Burt moved the following amendment:

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

14 | Delete everything after the resolving clause

15

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 <u>and</u> ~~or~~ unusual punishment, attainder, forfeiture of

25 | estate, indefinite imprisonment, and unreasonable detention of

26 | witnesses are forbidden. <u>The death penalty is an authorized</u>

27 | <u>punishment for capital crimes designated by the legislature</u>

28 | <u>and is not limited or restrained by this constitution. The</u>

29 | <u>prohibition against cruel or unusual punishment and the</u>

30 | <u>prohibition against cruel and unusual punishment shall be</u>

31 | <u>construed in conformity with decisions of the United States</u>

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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

Bill No. <u>HJR 3505</u>

Amendment No. ____

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 1   and insert:
 2                 Senate 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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