	Bill No. <u>HJR 3505</u>			
	Amendment No			
i	CHAMBER ACTION <u>Senate</u> <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			
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16	and insert:			
17	That the following amendment to Section 17 of Article I			
18 10	of the State Constitution is agreed to and shall be submitted			
19 20	to the electors of this state for approval or rejection at the general election to be held in November 1998:			
20 21	ARTICLE I			
21 22	DECLARATION OF RIGHTS			
23	SECTION 17. Excessive punishmentsExcessive fines,			
24	cruel and 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	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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Supreme Court which interpret the prohibition against cruel 1 and unusual punishment provided in the Eighth Amendment to the 2 3 United States Constitution. However, any method of execution 4 shall be allowed, unless specifically prohibited by the United States Supreme Court. Methods of execution may be designated 5 6 by the legislature, and a change in any method of execution 7 may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In 8 any case in which a method of execution is declared invalid, 9 10 the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section 11 12 shall apply retroactively. 13 BE IT FURTHER RESOLVED that the following statement be 14 placed on the ballot: 15 CONSTITUTIONAL AMENDMENT ARTICLE I, SECTION 17 16 17 CRUEL AND UNUSUAL PUNISHMENT. -- Proposing an amendment to the State Constitution to authorize the death penalty; 18 require construction of "cruel or unusual" and "cruel and 19 20 unusual" punishment to conform to the United States Supreme 21 Court's interpretation of the Eighth Amendment; authorize execution methods not specifically prohibited by the United 22 States Supreme Court; allow the retroactive application of 23 24 execution methods; prohibit the reduction of a death sentence 25 based on invalidity of the execution method; and provide retroactive applicability. 26 27 28 29 30 And the title is amended as follows: 31 Delete everything before the resolving clause 2 4:59 PM 03/09/98 h3505c-16j01.seg1

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1	and	inse	rt:
2			House Joint Resolution No
3		A	joint resolution proposing an amendment to s.
4		1	7, Art. I of the State Constitution, relating
5		t	o excessive punishment.
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