

1 House Joint Resolution No. 3505

2 A joint resolution proposing an amendment to s.
3 17, Art. I of the State Constitution, relating
4 to excessive punishment.

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

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8 That the amendment to Section 17 of Article I of the
9 State Constitution set forth below is agreed to and shall be
10 submitted to the electors of Florida for approval or rejection
11 at the general election to be held in November 1998:

12 SECTION 17. Excessive punishments.--Excessive fines,
13 cruel and ~~or~~ unusual punishment, attainder, forfeiture of
14 estate, indefinite imprisonment, and unreasonable detention of
15 witnesses are forbidden. The death penalty is an authorized
16 punishment for capital crimes designated by the Legislature.
17 The prohibition against cruel or unusual punishment, and the
18 prohibition against cruel and unusual punishment, shall be
19 construed in conformity with decisions of the United States
20 Supreme Court which interpret the prohibition against cruel
21 and unusual punishment provided in the Eighth Amendment to the
22 United States Constitution. Any method of execution shall be
23 allowed, unless prohibited by the United States Constitution.
24 Methods of execution may be designated by the Legislature, and
25 a change in any method of execution may be applied
26 retroactively. A sentence of death shall not be reduced on
27 the basis that a method of execution is invalid. In any case
28 in which an execution method is declared invalid, the death
29 sentence shall remain in force until the sentence can be
30 lawfully executed by any valid method. This section shall
31 apply retroactively.

1 BE IT FURTHER RESOLVED that in accordance with the
2 requirements of section 101.161, Florida Statutes, the title
3 and substance of the amendment proposed herein shall appear on
4 the ballot as follows:

5 PRESERVATION OF THE DEATH PENALTY;
6 UNITED STATES SUPREME COURT INTERPRETATION
7 OF CRUEL AND UNUSUAL PUNISHMENT

8 Proposing an amendment to Section 17 of Article I of
9 the State Constitution preserving the death penalty, and
10 permitting any execution method unless prohibited by the
11 Federal Constitution. Requires construction of the prohibition
12 against cruel and/or unusual punishment to conform to United
13 States Supreme Court interpretation of the Eighth Amendment.
14 Prohibits reduction of a death sentence based on invalidity of
15 execution method, and provides for continued force of
16 sentence. Provides for retroactive applicability.