

By Senator Lee

23-940-98

See HJR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 17 of Article I of the State
Constitution relating to excessive punishment.

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

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

SECTION 17. Excessive punishments.--Excessive fines,
cruel or unusual punishment, attainder, forfeiture of estate,
indefinite imprisonment, and unreasonable detention of
witnesses are forbidden. The death penalty is an authorized
punishment for capital crimes designated by the Legislature.
Any method of execution shall be allowed, unless prohibited by
the United States Constitution. The prohibition against cruel
or unusual punishment shall be construed in conformity with
the 8th Amendment to the United States Constitution, as
interpreted by the United States Supreme Court. A sentence of
death shall not be reduced on the basis that a method of
execution is invalid. In any case in which an execution method
is declared invalid, the death sentence shall remain in force
until the sentence can be lawfully executed by any valid
method. This section shall apply retroactively.

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

PRESERVATION OF THE DEATH PENALTY;

1 UNITED STATES SUPREME COURT INTERPRETATION
2 OF CRUEL AND UNUSUAL PUNISHMENT
3 Proposing an amendment to Section 17 of Article I of
4 the State Constitution preserving the death penalty, and
5 permitting any execution method unless prohibited by the
6 Federal Constitution. Requires construction of the prohibition
7 against cruel or unusual punishment to conform to United
8 States Supreme Court interpretation of the Eighth Amendment.
9 Prohibits reduction of a death sentence based on invalidity of
10 execution method, and provides for continued force of
11 sentence. Provides for retroactive applicability.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31