

By the Committee on Criminal Justice and Senator Lee

307-1689-98

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Senate Joint Resolution No. ____

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

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

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

ARTICLE I

DECLARATION OF RIGHTS

SECTION 17. Excessive punishments.--Excessive fines,
cruel and ~~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
and is not limited or restrained by this constitution. The
prohibition against cruel or unusual punishment and the
prohibition against cruel and unusual punishment shall be
construed in conformity with decisions of the United States
Supreme Court which interpret the prohibition against cruel
and unusual punishment provided in the Eighth Amendment to the
United States Constitution. However, any method of execution
shall be allowed, unless specifically prohibited by the United
States Supreme Court. Methods of execution may be designated
by the legislature, and a change in any method of execution
may be applied retroactively. A sentence of death shall not be
reduced on the basis that a method of execution is invalid. In
any case in which a method of execution is declared invalid,

1 the death sentence shall remain in force until the sentence
2 can be lawfully executed by any valid method. This section
3 shall apply retroactively.

4 BE IT FURTHER RESOLVED that the following statement be
5 placed on the ballot:

6 CONSTITUTIONAL AMENDMENT

7 ARTICLE I, SECTION 17

8 CRUEL AND UNUSUAL PUNISHMENT.--Proposing an amendment
9 to the State Constitution to authorize the death penalty;
10 require construction of "cruel or unusual" and "cruel and
11 unusual" punishment to conform to the United States Supreme
12 Court's interpretation of the Eighth Amendment; authorize
13 execution methods not specifically prohibited by the United
14 States Supreme Court; allow the retroactive application of
15 execution methods; prohibit the reduction of a death sentence
16 based on invalidity of the execution method; and provide
17 retroactive applicability.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Joint Resolution 964

- . Provides that the death penalty is not limited or restrained by the State Constitution.
- . Provides that the prohibition against cruel or unusual punishment and the prohibition against cruel and unusual punishment shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment in the Eighth Amendment to the United States Constitution.
- . Provides that all methods of execution are allowed, unless specifically prohibited by the United States Supreme Court.
- . Provides that methods of execution may be designated by the Legislature, and a change in any method of execution may be applied retroactively.
- . Reorders sentences in text and makes conforming changes to the ballot summary.