

By Senator Burt

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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 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
next general election or at an earlier special election
specifically authorized by law for that purpose.

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.
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. Any method of execution shall be
allowed, unless prohibited by the United States Constitution.
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

1 the basis that a method of execution is invalid. In any case
2 in which an execution method is declared invalid, the death
3 sentence shall remain in force until the sentence can be
4 lawfully executed by any valid method. This section shall
5 apply retroactively.

6 BE IT FURTHER RESOLVED that the following statement be
7 placed on the ballot:

8 CONSTITUTIONAL AMENDMENT

9 ARTICLE I, SECTION 17

10 PROHIBITING CRUEL AND UNUSUAL PUNISHMENT, NOT CRUEL OR
11 UNUSUAL PUNISHMENT.--Proposing an amendment to the State
12 Constitution to prohibit cruel and unusual punishment rather
13 than cruel or unusual punishment; to require that such
14 prohibition be construed in conformity with decisions of the
15 United States Supreme Court which interpret the federal
16 constitutional prohibition against cruel and unusual
17 punishment; to provide that the death penalty is an authorized
18 punishment for any capital crime designated by the
19 Legislature; to allow any method of execution not prohibited
20 by the Federal Constitution; to provide that the Legislature
21 may designate methods of execution; to authorize retroactive
22 application of a change in any method of execution; to provide
23 that, when a method of execution is declared invalid, a death
24 sentence shall not be reduced and shall remain in force until
25 it can be carried out by a valid method; and to provide for
26 retroactive application of this section.

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