

By Commissioner Martinez

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1 A proposal to amend
2 Section 17 of Article I of the State Constitution to
3 delete provisions authorizing the death penalty as a
4 punishment for capital crimes designated by the
5 Legislature and to provide for prospective
6 application.

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8 Be It Proposed by the Constitution Revision Commission of
9 Florida:

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11 Section 17 of Article I of the State Constitution is
12 amended to read:

13 ARTICLE I

14 DECLARATION OF RIGHTS

15 SECTION 17. Excessive punishments.—Excessive fines, cruel
16 and unusual punishment, attainder, forfeiture of estate,
17 indefinite imprisonment, and unreasonable detention of witnesses
18 are forbidden. Life imprisonment without the possibility for
19 release is the maximum penalty allowable ~~The death penalty is an~~
20 ~~authorized punishment~~ for capital crimes designated by the
21 legislature. Except for the death penalty, which is prohibited,
22 the prohibition against cruel or unusual punishment, and the
23 prohibition against cruel and unusual punishment, shall be
24 construed in conformity with decisions of the United States
25 Supreme Court which interpret the prohibition against cruel and
26 unusual punishment provided in the Eighth Amendment to the
27 United States Constitution. ~~Any method of execution shall be~~
28 ~~allowed, unless prohibited by the United States Constitution.~~
29 ~~Methods of execution may be designated by the legislature, and a~~
30 ~~change in any method of execution may be applied retroactively.~~
31 ~~A sentence of death shall not be reduced on the basis that a~~
32 ~~method of execution is invalid. In any case in which an~~

martinezr-00054-17

201736__

33 ~~execution method is declared invalid, the death sentence shall~~
34 ~~remain in force until the sentence can be lawfully executed by~~
35 ~~any valid method.~~ This section does not ~~shall~~ apply
36 retroactively.