



General Assembly

**Amendment**

January Session, 2005

LCO No. 5043

\*HB0601205043HR0\*

Offered by:

REP. STRIPP, 135<sup>th</sup> Dist.  
REP. HETHERINGTON, 125<sup>th</sup> Dist.  
REP. SAWYER, 55<sup>th</sup> Dist.  
REP. PISCOPO, 76<sup>th</sup> Dist.  
REP. FERRARI, 62<sup>nd</sup> Dist.

To: House Bill No. 6012

File No. 40

Cal. No. 79

**"AN ACT CONCERNING MURDER WITH SPECIAL CIRCUMSTANCES."**

1 Change the effective date of sections 1 to 48, inclusive, to "Effective  
2 upon certification by the Secretary of the State of the vote approving  
3 the constitutional amendment prohibiting the imposition of the death  
4 penalty"

5 After the last section, add the following and renumber sections and  
6 internal references accordingly:

7 "Sec. 501. (*Effective from passage*) That the following be proposed as  
8 an amendment to the Constitution of the State, which, when approved  
9 and adopted in the manner provided by the Constitution, shall, to all  
10 intents and purposes, become a part thereof:

11 Subsection a. of article twenty-ninth of the amendments to the

12 Constitution is amended to read as follows:

13 a. In all criminal prosecutions, the accused shall have a right to be  
14 heard by himself and by counsel; to be informed of the nature and  
15 cause of the accusation; to be confronted by the witnesses against him;  
16 to have compulsory process to obtain witnesses in his behalf; to be  
17 released on bail upon sufficient security; [, except in capital offenses,  
18 where the proof is evident or the presumption great;] and in all  
19 prosecutions by information, to a speedy, public trial by an impartial  
20 jury. No person shall be compelled to give evidence against himself,  
21 nor be deprived of life, liberty or property without due process of law,  
22 nor shall excessive bail be required nor excessive fines imposed. No  
23 person shall be held to answer for any crime, punishable by [death or]  
24 life imprisonment, unless upon probable cause shown at a hearing in  
25 accordance with procedures prescribed by law, except in the armed  
26 forces, or in the militia when in actual service in time of war or public  
27 danger. No person shall be subject to the penalty of death for any  
28 crime.

29 RESOLVED: That the foregoing proposed amendment to the  
30 Constitution be continued to the next session of the General Assembly  
31 elected at the general election to be held on November 7, 2006, and  
32 published with the laws passed at the present session, or be presented  
33 to the electors at the general election to be held on November 7, 2006,  
34 whichever the case may be, according to article sixth of the  
35 amendments to the Constitution. The designation of said proposed  
36 amendment to be used on the voting machine ballot labels and  
37 absentee ballots at such election shall be "Shall the Constitution of the  
38 State be amended to prohibit the imposition of the death penalty?"