

1985

Bills and Declarations of Rights Digest

Ronald K. L. Collins

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BILLS AND DECLARATIONS OF RIGHTS DIGEST

Compiled and edited with notes,
comparative charts & tables by

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CONTENTS

INTRODUCTORY NOTE	2485
SELECTED BIBLIOGRAPHY	2488
SELECTED STATE CONSTITUTIONAL LAW PROVISIONS INCLUDING COMPARATIVE CHARTS & TABLES	2489
I. EQUALITY OF TREATMENT	2491
II. GENDER DISCRIMINATION	2494
III. RELIGION: Freedom of Worship, Conscience/Establishment	2496
IV. RELIGION: No Public Financial Support	2500
V. RELIGION: No Religious Tests For Witnesses or Jurors	2501
VI. FREEDOM OF SPEECH & PRESS	2502
VII. SELF-INCRIMINATION	2506
VIII. BAIL	2507
IX. SENTENCING & TREATMENT OF ARRESTED OR CONFINED PERSONS ..	2510
X. ADMINISTRATION OF JUSTICE	2511
XI. IMPRISONMENT FOR DEBT	2514
XII. RIGHT TO POSSESS ARMS	2517
XIII. PRIVATE PROPERTY	2520
BILLS AND DECLARATIONS OF RIGHTS	2525

INTRODUCTORY NOTE

State constitutions are generally known, if known at all, for their detail and diversity. Thus, the Louisiana Constitution is a document to behold with its 201,000 words. Then there are those "inherent rights of the citizen," such as Tennessee's right to sail on the Mississippi, that can never "be conceded to any prince, potentate, power, person or persons whatever."¹ California has its "right to fish"² as does Rhode Island.³ Virginia's supreme law protects oyster beds⁴ and Pennsylvania's Declaration of Rights guarantees its people "a right to . . . pure water."⁵ Oregonians, by comparison, believe it important to include in their Bill of Rights a provision regulating the sale of liquor by the glass.⁶ New Yorkers take their "bingo" and "lotto" games seriously enough to provide for them in their charter of fundamental rights.⁷ In Maryland the government can take private property without any compensation required by the constitution (recall *Barron v. Baltimore*⁸). Though its declaration of rights is silent about private property, it does provide the legislature with a designated meeting place.⁹

Not all, or even most, of the state bills or declarations of rights are of this character however. For example, in Indiana there is not one provision protecting freedom of religion and conscience — there are seven.¹⁰ Massachusetts

has a public worship guarantee¹¹ unlike any in this nation and Vermont's Constitution reminds us of the need for a "frequent recurrence to fundamental principles."¹² In Mississippi that notion finds more explicit mention in a constitutional provision permitting the use of "the Holy Bible" in "any public school."¹³ The Wisconsin Declaration of Rights is silent on that specific matter, but it does allow the state legislature to enact laws permitting religious groups to use public school buildings during "nonschool hours" provided there is "payment" that amounts to "reasonable compensation for such use."¹⁴

All of this only confirms what is generally known or thought to be known. What is often overlooked is how similar state bills or declarations of rights guarantees are to one another. For example, state free speech and press provisions have more in common with each other than they do with the First Amendment (see Section VI). Much of the same holds true for the freedom of religion provisions (see Sections III-V). This should not be surprising once it is understood that the fundamental guarantees contained in the state constitutions were, in large number, patterned after provisions present in the founding charters of the American states. Similarly, much of what is provided for in the federal Bill of Rights derived from the same source. Thus, the Eighth Amendment's excessive bail provision was essentially the same as the one found in section 9 of the Virginia Declaration of Rights

1. Tenn. Const., Art. I, § 29.

2. Cal. Const., Art. I, § 25.

3. R.I. Const., Art. I, § 17.

4. Va. Const., Art. XI, § 3.

5. Pa. Const., Art. I, § 27. For a general discussion on this and related topics, see Howard, *State Constitutions & The Environment*, 58 Va.L.Rev. 193 (1972).

6. Or. Const., Art. I, § 39.

7. N.Y. Const., Art. I, § 9.

8. 32 U.S. (7 Pet.) 243 (1833) (holding Fifth Amend. inapplicable to the states).

9. Md. Const., Art. 11.

10. Ind. Const., Art. I, §§ 2, 3, 4, 5, 6, 7 & 8.

11. Mass. Const., Pt. First, Art. 3.

12. Vt. Const., Ch. I, Art. 18th. See also N.H. Const., Pt. First, Art. 38; Mass. Const., Pt. First, Art. 18; Ill. Const., Art. I, § 23.

13. Miss. Const., Art. 3, § 18.

14. Wis. Const., Art. I, § 24.

of 1776. Consequently, when Alaska and Hawaii, among other states, adopted that provision, they were actually adopting the same Virginia guarantee that the drafters of the federal Constitution had. Other state guarantees, such as the one assuring the right to a remedy (see Section X), have no analogue in the federal Constitution. This right, found in some thirty-five state constitutions, can be traced back to the Delaware and Maryland Declarations of Rights of 1776.

In sum: (1) state constitutional rights guarantees often derive not from the federal Constitution but from earlier state constitutions; (2) even where the state guarantees are different from their federal counterpart, they may be identical or similar to provisions found in a number of state constitutions; and (3) where a state guarantee is identical or similar to a federal one, the latter may itself be patterned after an earlier state constitutional provision.

Given the renewed interest in state bills and declarations of rights that has occurred in the last several years, it has become increasingly important for state judges and practitioners to know more about the text and history of state constitutions. In what follows there are brief notes on the origins or histories of selected state constitutional law provisions. Comparative charts identify, to the extent feasible,¹⁵ the various states that have identical or similar guarantees or phrases in their bills or declarations of rights. These charts are intended to aid the bench and bar in doing comparative research when examining a particular provision found in a state constitution. For example, if a question arose

concerning Wyoming's "unnecessary rigor" prohibition,¹⁶ an informed understanding of that provision could turn on some knowledge of its history and presence in other state constitutions. The chart in Section IX notes the guarantee's American origin and also identifies the six other states with an identical or similar provision. Among other things, this information would direct the researcher to the pertinent out-of-state decisional law on the unnecessary rigor clause.¹⁷ Much the same holds true for a number of other state guarantees listed below, including the state self-incrimination ("compelled evidence") and right to bear arms provisions that are different from their federal analogues (see Sections VII and XII).

It is hoped this information will assist researchers concerned about questions of text, history and comparative decisional law. Regarding the latter, state constitutional law concerning individual rights could thus begin to develop something like tort or property common law has, replete with majority and minority rules. If so, the base of information available to the bench and bar need not continue to be limited to comparisons with federal decisional law.¹⁸ Of course, state courts always remain free, and may find good occasions, to adopt rules of interpretation different from those subscribed to in either federal or other state appellate courts.

What follows is limited to an examination of selected individual rights guarantees found in state bills or declarations of rights. (This is not to suggest that other constitutional provisions do not play an important role in protecting

15. Sometimes it is virtually impossible to determine the exact origin of a particular state guarantee without tracing its development as recorded in the accounts of constitutional conventions or other proceedings, including the various amendment processes. For the purposes of these charts, that kind of individualized tracing has not been done. Furthermore, some state guarantees are patterned after one or more provisions found in earlier constitutions. (See e.g., Section VI, "Freedom of Speech and Press," *infra*) These and still other difficulties sometimes make it hard to classify a particular provision under a given category. Where there is doubt a footnote reference so indicates and the reader is urged in those instances to consult the text of the guarantee in question.

16. Wyo. Const., Art. I, § 16.

17. See Section IX, "Sentencing & Treatment of Arrested or Confined Persons," *infra*.

18. This is not to suggest, of course, that judicial review at the state level need depend solely on decisional law. (Still, there is the governing law of applicable precedent consistent with the constitution.) In a variety of cases the better course may well point to methods of judicial interpretation not inextricably tied to decisional law, either federal or state. See e.g. Collins, "Reliance on State Constitutions: A Few Random Thoughts," 54 Miss. L.J. ____ (1985); Collins, "Reliance on State Constitutions: Away From a React[ive] Approach," 10 Hast. Const. L.Q. 1 (1981).

rights.¹⁹) Where feasible, the American²⁰ origin or history of a guarantee is noted. To the extent practical, the guarantees are classified under specific headings. Nevertheless, some of the provisions thus organized defy basic classification. The reader is therefore urged to consult the alphabetical footnotes accompanying various guarantees.

Finally, appended to this Introductory Note is a selected bibliography of several general reference books providing information on assorted state constitutional guarantees. Also listed are several articles that discuss, among other things, various rules of state constitutional judicial interpretation.

19. See e.g. *Remington v. Paulus*, 675 P.2d 485 (Or. 1984) (initiative ballot title).

20. The history noted below begins with the Virginia Declaration of Rights of 1776, even though a number of guarantees have origins tracing back prior to that date.

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**SELECTED STATE
CONSTITUTIONAL LAW PROVISIONS
including
COMPARATIVE CHARTS & TABLES**

I.

Equality of Treatment*

Model 1

"All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness." (Pa. Const., Art. I, § 1)

Origin: Virginia Declaration of Rights, 1776, § 1.

Model 2

"... nor shall any person be denied the equal protection of the laws." (S.C. Const., Art. I, § 3)

Model 3

"All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services." (Tex. Const., Art. I, § 3)

History: Similar equality guarantees may be found in the Virginia Declaration of Rights, 1776, §§ 1 and 4.

Model 4

"No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which upon the same terms, shall not equally belong to all citizens." (Or. Const., Art. I, § 20)

History: Similar constitutional provisions appeared in the 1851 Indiana Constitution (Art. I, § 23) and in the 1857 Iowa Constitution (Art. I, § 6).

Model 5

"Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color . . . or national origin." (N.H. Const., Part First, Art. 2)

Note: The equality provisions contained in the states' bills of rights are among the most diverse guarantees found in American constitutions. Some seven states have no express equality guarantee in their individual rights provisions: (Del., Minn., Miss., Neb., Okla.,

R.I. (cf. Art. I, § 2), and Tenn.). The individual rights provisions of Colorado and Maryland, by comparison, expressly prohibit *only* "sex" discrimination. A number of states have no guarantee of equality of treatment other than what is announced in more general terms in provisions like those set out in Models 1 and 3 above. Some state courts, such as the New Jersey Supreme Court, have construed the latter to include a guarantee of equal protection under the law. See: *Right to Choose v. Byrne*, 450 A.2d 925 (N.J. 1982). Other state courts, such as the Colorado Supreme Court, have found an equal protection guarantee in the due process provision of their state constitution. See *People In Interest of S.P.B.*, 651 P.2d 1213 (Colo. 1982); *City of Montrose v. Public Utilities Commission*, 629 P.2d 619 (Colo. 1981). Finally, some states have equality guarantees that extend beyond government. See e.g. Cal. Const., Art. I, § 8; Ill Const., Art. I, § 17; Mont. Const., Art. II, § 4; N.Y. Const., Art. I, § 11.

In the chart that follows, a number of the provisions quoted in the footnotes to the section labeled "Other" are similar to provisions that have been separately classified. Thus for example, some state provisions are listed under the "Other" category even though they make reference to "equal protection" or discrimination on the basis of "race, creed, color or national origin." This has been done because such provisions are sufficiently different, despite certain similarities, to be classified in a special category. The reader is urged to consult the various footnote references contained in notes a through x.

Model 3 refers to equality of rights in the context of "exclusive separate public emoluments, or privileges . . ." In this respect it is an equality guarantee of limited application. It should be noted that other states with similar provisions do not include an express equality reference. See e.g. Ariz. Const., Art. II, § 29; Del. Const., Art. I, § 19; Ky. Const., § 3. For a general discussion of the various state constitutional guarantees, see Williams, "Equality Guarantees in State Constitutional Law," 63 Tex.L.Rev. (1985).

THE AMERICAN BENCH—1985/86

EQUALITY OF TREATMENT

Equally Free	Equal Protection	Public Emoluments or Privileges	Equality of Privileges/Immunities	Equality of Rights/Race, Creed, Color, National Origin	Other
Ala., Art. I, § 1	Cal., Art. I, § 7	Ala., Art. I, § 22 ^a Ariz., Art. II, § 29	Ariz., Art. II, § 13	Mass., Pt. First, Art. 1	Alaska, Art. I, § 3 ^b
Alaska, Art. I, § 1 ^c			Cal., Art. I, § 7	N.H., Pt. First, Art. 2	Ark., Art. II, § 3 ^c
Conn., Art. 1st, § 1	Conn., Art. 1st, § 20	Conn., Art. 1st, § 1 Del., Art. I, § 19 Ky., § 3 Mass., Pt. First, Art. 6 ^e	Ind., Art. I, § 23	N.C., Art. I, § 19 ^f	Cal., Art. I, § 8 ^e
Fla., Art. I, § 2		Tex., Art. I, § 3 Va., Art. I, § 4	Iowa, Art. I, § 6	Va., Art. I, § 11 ^w	Conn., Art. 1st, § 20 ^f
Hawaii, Art. I, § 2	Ga., Art. I, § 1, ¶2 Hawaii, Art. I, § 5		N.D., Art. I, § 20		Fla., Art. I, § 2 ^g
Idaho, Art. I, § 1	Ill., Art. I, § 2				Hawaii, Art. I, § 5 ^b
Ind., Art. I, § 1	Me., Art. I, § 6A		Or. Art. I, § 20		Ill., Art. I, § 17 ^f
Iowa, Art. I, § 1	Mich. Art., I, § 2		S.D., Art. VI, § 18		
Kan., § 1	N.M., Art. II, § 18		Wash., Art. I, § 12		Kan., § 2 ^j
Ky., § 1	N.Y., Art. I, § 11				Ky., § 3 ^a
Me., Art. I, § 1					La., Art. I, § 3 ⁱ
Mass., Pt. First, Art. 1	N.C., Art. I, § 19				La., Art. I, § 12 ^m
Mich., Art. I, § 1 ^e	S.C., Art. I § 3				Me., Art. I, § 6A
Mo., Art. I, § 2 ^p	Utah, Art. I, § 2 ^v				Mont. Art. II, § 4 ^q
Mont., Art. II, § 3					N.J., Art. I, ¶5 ^r
Nev., Art. I, § 1					N.Y., Art. I, § 11 ^s
N.H., Pt. First, Art. 1					Pa., Art. I, § 26 ^v
N.M., Art. II, § 4					Wyo., Art. I, § 3 ^a
N.C., Art. I, § 1					
N.D., Art. I, § 1					
Ohio, Art. I, § 1					
Or., Art. I, § 1					
Pa., Art. I, § 1					
S.D., Art. VI, § 1					
Tex., Art. I, § 3					
Utah, Art. I, § 2 ^v					
Vt., Ch. I, Art. 1st					
Va., Art. I, § 1					
W.Va., Art. III, § 1					
Wisc., Art. I, § 1					
Wyo., Art. I, § 2 ^v					
Totals 31	12	8	8	4	17

THE AMERICAN BENCH—1985/86

*The following are not included in this section: Equal Rights Provisions re gender discrimination, see *infra*; Provisions re aliens, see e.g. Neb. Const., Art. I, § 25; S.D. Const., Art. VI, § 15; Wis. Const., Art. I, § 15; Wyo. Const., Art. I, § 29; and provisions requiring that taxes be equal and "uniform," see e.g. Wyo. Const., Art. I, § 28; Md. Const., Art. 15. Also not included are anti-discrimination guarantees set forth in the religion provisions, (see e.g. Colo. Const., Art. I, § 4) and "free and equal" elections provisions such as the one contained in Art. I, § 3 of the Delaware Constitution. See also the asterisk footnote under the heading "Gender Discrimination," *infra*.

a. "That no law . . . making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the legislature. . . ."

b. "No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. The legislature shall implement this section."

c. ". . . that all persons are equal and entitled to equal rights, opportunities, and protection under the law. . . ."

d. "The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of race, color or previous condition."

e. "A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin."

f. "No person shall . . . be subjected to segregation or discrimination in the exercise, or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex."

g. ". . . No person shall be deprived of any right because of race, religion or physical handicap."

h. "No person shall . . . be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry."

i. "All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property."

j. "No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency."

k. ". . . no grant of exclusive, separate public emoluments or privileges shall be made to any man or sect of men, except in consideration of public services . . ."

l. "No law shall discriminate against any person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. . . ."

m. "In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition."

n. "No person shall . . . be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof."

o. "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection."

p. ". . . that all persons are created equal and are entitled to equal rights and opportunity under the law. . . ."

q. ". . . Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas."

r. "No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin."

s. ". . . No person shall, because of race, color, creed or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state."

t. Section 19 uses the word "religion" rather than "creed."

u. "Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right."

v. "All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit. . . ."

w. ". . . the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination."

x. ". . . the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction."

y. "In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal."

z. "No man, nor Corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the Community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural."

II.

Gender Discrimination*

Model 1

“. . . Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.” (Wyo. Const., Art. VI, § 1) (see also Wyo. Const., Art. I, § 3)

Origin: This provision first appeared in the Wyoming Constitution of 1890 and later appeared with a minor change in the Utah Constitution (Art. IV, § 1) of 1896.

Model 2

“Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.” (Pa. Const., Art. I, § 28)

Model 3

“Equality of rights and responsibility under the law shall not be denied or abridged on account of sex. The legislature shall have the power to enforce by appropriate legislation, the provisions of this article.” (Wash. Const., Art. XXXI, §§ 1&2).

Model 4

“The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.” (Ill. Const., Art. I, § 18)

Model 5

“. . . No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of . . . sex. . . .” (Mont. Const., Art. II, § 4)

Model 6

“A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex. . . .” (Cal. Const. Art. I, § 8)

Comment: Today some eighteen state constitutions explicitly prohibit gender discrimination. As the models above reveal, the states have employed a variety of constitutional provisions directed at this kind of discrimination. Some states have patterned their provisions after the proposed 27th Amendment, the Equal Rights Amendment, to the federal Constitution. Other states, such as Montana, have adopted constitutional amendments that are not limited to government discrimination (i.e., “state action”). Some state high courts have construed various equality of treatment guarantees to bar gender discrimination even though they do not expressly so provide. *See e.g. Hewitt v. State Accident Insurance Fund Corp.*, 653 P.2d 970 (Or. 1982) (interpreting equal “privileges or immunities” provision); *Sail’er Inn v. Kirby*, 485 P.2d 529 (Cal. 1971) (interpreting “equal protection” provision). *See generally, ERA Impact Project: Legal Reference Guide to State ERAs* (P. Segal, NOW Legal Defense & Educ. Fund, NY, NY, 1982). For a discussion of the breadth of state ERA guarantees, see *Hartford Accident & Indemnity Co. v. Insurance Commissioner*, 482 A.2d 542 (Pa. 1984) (gender discrimination & auto insurance rates).

*Not included in this section are the following: Suffrage & Elections, see e.g. Idaho Const., Art. VI, § 2; Disposition of Property, see e.g. Miss. Const., Art. 4, § 94, Ga. Const., Art. I, § 1, ¶ XXIV; Jury Service, see e.g. W.Va. Const., Art. III, § 21; or General Equality of Treatment Guarantees as noted in the previous section.

THE AMERICAN BENCH—1985/86

GENDER DISCRIMINATION

Alaska, Art. I, § 3
California, Art. I, § 8
Colorado, Art. II, § 29
Connecticut, Art. 1st, § 29
Hawaii, Art. I, § 3; Art. I, § 5
Illinois, Art. I, § 18
Louisiana, Art. 1, § 3^a
Maryland, Art. 46
Massachusetts, Part First, Art. 1
Montana, Art. II, § 4
New Hampshire, Part First, Art. 2

New Mexico, Art. II, § 18
Pennsylvania, Art. I, § 28
Texas, Art. I, § 3
Utah, Art. IV, § 1
Virginia, Art. I, § 11^b
Washington, Art XXXI, §§ 1 & 2
Wyoming, Art. VI, § 1; Art. I, § 3^c

a. "... No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of ... sex. ..."

b. "... the right to be free from any governmental discrimination upon the basis of ... sex ... shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination."

c. "... the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of ... sex, or any circumstance or condition whatsoever other than individual competency, or unworthiness duly ascertained by a court of competent jurisdiction."

III.

Religion

Freedom of Worship, Conscience/Establishment

Model 1

"That all men have a natural and indefensible *right to worship* Almighty God according to the *dictates of their own conscience*; that no man can of right be *compelled to attend . . . any place of worship . . .*; that no human authority can, in any case whatever, *control or interfere with the rights of conscience*; and that *no preference shall ever be given, by law to any religious establishment or mode of worship.*" (Tenn. Const., Art. I, § 3)

History: Similar guarantees may be found in the Pennsylvania Declaration of Rights, 1776, § 2; Delaware Declaration of Rights, 1776, § 2; N.J. Const., 1776, Art. XVIII.

Model 2

"The free exercise and enjoyment of religious profession and worship, without discrimination or *preference*, shall forever be allowed in this state to all *mankind*; . . . but the liberty of conscience hereby secured shall not be so construed as to excuse acts of *licentiousness*, or to justify practices inconsistent with the *peace and safety* of this state." (N.Y. Const., Art. I, § 3)

History: Similar to the Maryland Declaration of Rights, 1776, § 33. Re the "licentiousness" and "peace and safety" limitations, see N.J. Const., 1776, Art. XIX; N.Y. Const., 1777, § 38; Ga. Const., 1777, Art. LVI; H. Miller, *George Mason*. 150, 337, 339 (1975).

Model 3

"Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be *molested or disturbed* in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of *licentiousness* or justify practices inconsistent with the *peace and safety* of the state. . . ." (Wash. Const., Art. I, § 11)

History: The "molested" language appeared in the Rhode Island Royal Charter of July 1663. See also Maryland Declaration of Rights, 1776, § 33.

Model 4

"The state shall make no law respecting an *establishment of religion* or prohibiting the *free exercise* thereof." (Mont. Const., Art II, § 5)

History: The concept of free exercise of religion was expressed in Section 2 of the Pennsylvania Declaration of Rights of 1776. Also, Article XIX of the New Jersey Constitution of 1776 provided in relevant part: "There shall be no establishment of any religious sect in this Province, in preference to another."

Note: On the whole the religion guarantees and limitations contained in the state bills of rights are significantly different from the free exercise and establishment provisions of the First Amendment. With few exceptions, the state provisions tend to be considerably more detailed than their federal counterpart. In a number of states constitutional limitations are also found outside of the bill of rights section. See e.g. Miss. Const., Art. VIII, § 208 (education). In its Bill of Rights alone, Indiana has seven clauses bearing on various aspects of freedom of religion and conscience. Some state provisions further protect or promote these rights. See e.g. Ark. Const., Art. I, § 25 (legislature to pass laws to protect freedom of worship); Neb. Const., Art. I, § 4 (similar); Del. Const., Art. I, § 1 ("duty of all men . . . to assemble . . . for . . . public worship"); Ohio Const., Art. I, § 7 (like Neb. Const.); Mass. Const., Part First, Art. 2 (like Del. Const.); Tex. Const., Art. I, § 6 (like Ark. Const.) Va. Const., Art. I, § 16 (noting that "religion or . . . duty which we owe to our creator" and likewise that "mutual duty of all to practice Christian forbearance, love, and charity toward each other."); Vt. Const., Ch. I, Art. 3 (observance of Sabbath); Miss. Const., Art. 3, § 18 (use of Bible in public schools permitted); Wash. Const., Art. I, § 11 (allowing for chaplains). See also N.H. Bill of Rts., Art. 6. The range of diversity covers many issues from "polygamy" (Idaho Const., Art. I, § 4; Okla. Const., Art. I, § 2) to the public transportation of children to and from parochial schools (Wis. Const.,

THE AMERICAN BENCH—1985/86

Art. I, § 21). The Louisiana and Montana Constitutions additionally prohibit certain types of non-governmental discrimination based on religion. (see notes e & j). Still other state constitutional provisions relating to religion and freedom of conscience are noted in the two sections immediately following.

In the chart below two types of "free exercise" provisions are noted. Those provisions most closely resembling the one contained in the First Amendment to the U.S. Constitution are so indicated by a single "X." Provisions similar to the one contained in Model 2 above are noted "XX."

THE AMERICAN BENCH—1985/86

RELIGION — Freedom of Worship

State	Section	Right to Worship	Compelled (or required)	Control or Interfere	Conscience	No Preference	Licentiousness	Peace & Safety	Molested or Disturbed	Establishment of Religion	Free Exercise
Alabama	Art. I, § 3		X			X				X	
Alaska	Art. I, § 4									X	X
Arizona	Art. II, § 12				X		X	X			XX
Arkansas	Art. II, § 24	X	X	X	X	X					
California	Art. I, § 4				X ^a	X	X	X		X	X
Colorado	Art. II, § 4		X		X ^b	X	X	X			XX
Connecticut	Art. 1st, § 3					X ^c					
Delaware	Art. I, § 1		X	X	X	X					XX
Florida	Art. I, §§ 2, 3					X ^d				X	X
Georgia	Art. I, § 1, ¶ 3, 4	X		X	X		X	X	X		
Hawaii	Art. I, § 4								X	X	X
Idaho	Art. I, § 4		X		X	X	X	X			XX
Illinois	Art. I, § 3		X		X	X	X	X			XX
Indiana	Art. I, §§ 2, 3, 4	X	X	X	X	X					XX
Iowa	Art. I, §§ 3, 4		X							X	X
Kansas	Bill of Rts. § 7	X	X	X	X	X					
Kentucky	Bill of Rts. §§ 1, 5	X	X	X	X	X					
Louisiana	Art. I, §§ 8, 12					X ^e				X	X
Maine	Art. I, § 3	X			X	X		X	X		
Maryland	Declar. of Rts. Art. 36		X			X ^f		X	X	X ^g	
Massachusetts	Pt. First, Art. 3					X ^h					
Michigan	Art. I, § 4	X	X		X						
Minnesota	Art. I, § 16	X	X	X	X	X	X	X			
Mississippi	Art. 3, § 18					X	X	X			XX ⁱ
Missouri	Art. I, §§ 5, 6, 7	X	X	X	X	X	X	X	X		
Montana	Art. II, § 4, 5					X ^j				X	X
Nebraska	Art. I, § 4	X	X		X	X			X ^k		
Nevada	Art. I, § 4				X	X	X	X			XX
New Hampshire	Part First, Art. 2, 4, 5, 6	X			X	X ^l		X	X		

THE AMERICAN BENCH—1985/86

New Jersey	Art. I, §§ 3, 4	X				X							
New Mexico	Art. II, § 11	X				X					X		
New York	Art. I §§ 3, 11					X	X						XX
North Carolina	Art. I, § 13	X			X								
North Dakota	Art. I, § 4					X	X						XX
Ohio	Art. I, § 7	X				X	X						
Oklahoma	Art. II, § 2									X			
Oregon	Art. I §§ 2, 3	X		X		X							XX
Pennsylvania	Art. I, § 3	X		X		X	X						
Rhode Island	Art. I, § 3	X		X		X				X			
South Carolina	Art. I, § 2											X	X
South Dakota	Art. VI, § 3	X		X		X	X		X				
Tennessee	Art. I, § 3	X		X		X	X						
Texas	Art. I, § 6	X		X		X	X						
Utah	Art. I, § 4					X	X					X	X
Vermont	Ch. I, Art. 3rd	X		X		X	X						
Virginia	Art. I, § 16			X		X	X ^m						XX
Washington	Art. I, § 11	X					X	X		X			
West Virginia	Art. III, § 15			X			X ⁿ			X			
Wisconsin	Art. I, § 18	X		X		X	X						
Wyoming	Art. I, § 18					X	X	X		X	X		XX
Totals*	50	24	27	15	36	35	15	20	11	11	11	9 & 13	

*Totals may depend upon particular wording as quoted in notes below.

- a. "Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse. . . ." Cf. the use of the word "conscience in Model 1 above.
- b. Similar to note a. *supra*
- c. See also Conn. Const., Art. 1st, § 20 prohibiting discrimination on basis of religion etc.
- d. Section 2 provides in relevant part: ". . . No person shall be deprived of any right because of . . . religion. . . ." Similar to note c. *supra*.
- e. Section 12 provides in relevant part: "In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on . . . religion. . . ."
- f. ". . . all persons are equally entitled to protection in their religious liberty. . . ."
- g. ". . . Nothing in this article shall constitute an establishment of religion. . . ."
- h. ". . . And all religious sects and denominations demeaning themselves peaceably and as good citizens of the Commonwealth, shall be equally under the protection of the law. . . ."

- i. ". . . the free enjoyment of all religious sentiments and the different modes of worship shall be held sacred."
- j. Section 4 provides in relevant part: ". . . Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of . . . religious ideas."
- k. ". . . not shall any interference with the rights of conscience be permitted. . . ."
- l. Art. 6 in relevant part is similar to note h. *supra*. See also Art. 2 (prohibiting discrimination based on one's "creed").
- m. ". . . all men are equally entitled to the free exercise of religion. . . ."
- n. ". . . and the same shall, in nowise, affect, diminish or enlarge their civil capacities; and the Legislature shall not . . . confer any peculiar privileges or advantages on any sect or denomination. . . ."

IV.

Religion

No Public Financial Support

Model 1

"No money of the state shall ever be given or appropriated to any sectarian or religious society or institution." (Wyo. Const., Art. I, § 19). "No money shall be appropriated, or drawn from the treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purposes." (Tex. Const., Art. I, § 7)

History: A version of this guarantee appears in Article I, Section 5 of the Michigan Constitution of 1835.

Model 2

". . . no one shall be compelled by law . . . to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry . . ." (Ala. Const., Art. I, § 3)

History: A similar provision appeared in Article XVIII of the New Jersey Constitution of 1776. See also J. P. Boyd, ed., *The Papers of Thomas Jefferson* 363-64 (1950); Md. Declar. of Rts., 1776, Art. III; Ky. Const., 1792, Art. XII.

Note: Some thirty-five states have these prohibitions in their bills or declarations of rights. Similar prohibitions may be found in other parts of the state constitution or in state statutory law. By comparison, Article 6 of the First Part of the New Hampshire Constitution declares in part that ". . . the several parishes, bodies, corporate, or religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both. . . ." Similarly Article 3 of the First Part of the Massachusetts Constitution also declares that this right extends to ". . . rais[ing] money for erecting and repairing houses of public worship, for the maintenance of religious instruction,

and for the payment of necessary expenses. . . ." See also W. Va. Const., Art. III, § 15; Me. Const., Art. I, § 3.

RELIGION — No Public Financial Support

Alabama, Art. I, § 3
Arizona, Art. II, § 12
Arkansas, Art. II, § 24
Colorado, Art. II, § 4
Delaware, Art. I, § 1
Florida, Art. I, § 3
Idaho, Art. I, § 4
Illinois, Art. I, § 3
Indiana, Art. I, § 4
Iowa, Art. I, § 3
Kansas, Bill of Rts., § 7
Kentucky, Bill of Rts., § 5
Maryland, Declar. of Rts., Art. 36
Michigan, Art. I, § 4
Minnesota, Art. I, § 16
Missouri, Art. I, § 6
Nebraska, Art. I, § 4
New Hampshire, Part First, Art. 6
New Jersey, Art. I, ¶ 3
New Mexico, Art. II, § 11
Ohio, Art. I, § 7
Oklahoma, Art. II, § 5
Oregon, Art. I, § 5
Pennsylvania, Art. I, § 3
Rhode Island, Art. I, § 3
South Dakota, Art. VI, § 3
Tennessee, Art. I, § 3
Texas, Art. I, § 7
Utah, Art. I, § 4
Vermont, Ch. I, Art. 3rd
Virginia, Art. I, § 16
Washington, Art. I, § 11
West Virginia, Art. III, § 15
Wisconsin, Art. I, § 18
Wyoming, Art. I, § 19

V.

Religion

No Religious Tests For Witnesses or Jurors*

Model 1

“. . . nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.” (Ariz. Const., Art. II, 12)

Model 2

“No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.” (Ind. Const., Art. I, § 7)

Model 3

“No person shall be disqualified to give evidence in any of the Courts of this State on account of his religious opinions, or for the want of any religious belief. . . .” (Tex. Const., Art. I, § 5)

History: This prohibition appeared in Article I, § 4 of the Iowa Constitution of August 1846 and in Article I, § 3 of the New York Constitution of October 1846.

Note: This constitutional limitation has been largely ignored. The more stringent aspect of the limitation is the one found in Model 1, which prohibits even questioning directed to one's religious beliefs. (See note ** below) These limitations need not necessarily be interpreted to interfere with another's right to an impartial jury or fair trial provided that any questioning or disqualification of a witness or juror is not associated with that person's religious beliefs so as to have a stigmatizing effect. Thus, a person may be asked, for example, about his or her views on capital punishment without asking whether those views are

religiously based. In those states which only prohibit juror or witness disqualification, and not also questioning, the better practice would be to avoid questions that require religious identification. Of course, as a matter of federal constitutional law the controlling principle would be the right to a fair and impartial trial.

RELIGION — No Tests For Witnesses

Arizona, Art. II, § 12**
Arkansas, Art. II, § 26
California, Art. I, § 4
Indiana, Art. I, § 7
Iowa, Art. I, § 4
Maryland, Art. 36
Minnesota, Art. I, § 17
Missouri, Art. I, § 5
Nebraska, Art. I, § 4
Nevada, Art. 1, § 4
New York, Art. I, § 3
North Dakota, Art. 1, § 4
Ohio, Art. I, § 7
Oregon, Art. I, § 6**
Tenn. (see note*)
Texas, Art. I, § 5
Washington, Art. 1, § 11**
Wisconsin, Art. I, § 19
Wyoming, Art. I, § 18

*Not included is the prohibition against religious tests for public office found in some twenty-one state constitutions. See e.g. Neb. Const., Art. I, § 4. See also Tenn. Const., Art. I, § 6 (“no religious . . . test shall ever be required as a qualification for jurors.”)

**The constitutions of these three states prohibit any questioning directed at one's religious beliefs.

VI.

Freedom of Speech & Press*

Model 1

"That the *printing press* shall be free to every person to examine the proceedings of the Legislature; or of any branch or officer of the government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man, and every citizen may freely speak, write and print on *any subject*, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the *truth* thereof may be given *in evidence*; and in all indictments for libel, the *jury* shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases." (Tenn. Const., Art. I, § 19)

History: This guarantee appeared as early as 1790 in Article IX, § 7 of the Pennsylvania Constitution. Similarly, key portions of this guarantee appear in Article II of the French Declaration of the Rights of Man and Citizen (1789). See A. V. Dicey, *Introduction to the Study of the Law of the Constitution* 228 (5th ed., 1897).

Model 2

"Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be *inviolably preserved*." (N.H. Const., Pt. First, Art. 22; similar: "great bulwarks of liberty . . .," N.C. Const., Art. I, § 14)

History: Similar provisions appear in: Va. Declar. of Rts., 1776, § 12; Pa. Declar. of Rts. 1776, § 12; Del. Declar. of Rts., 1776, § 23.

Model 3

"No law shall be enacted . . . *abridging* the freedom of speech or of the press." (Hawaii Const., Art. I, § 4) (Note: the "no law" language also appears in provisions patterned after the "freely speak, write and print" language of Model 1 above. See e.g. Or. Const., Art. I, § 8)

Model 4

[Similar in part to Model 1 but includes the following:] ". . . In all civil and criminal trials for libel the *truth* may be given *in evidence*, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends. . . ." (N.D. Const., Art. I, § 4)

Note: The state freedom of speech and press guarantees are, in many ways, different in text and origin from the First Amendment. Thus, for example, some 41 states extend constitutional protection to speech on "any subject" though 42 states also declare that a person may be held responsible for the "abuse" of that right. (The most thoughtful and contemporary interpretations of the "abuse" limitation may be found in *State v. Robertson*, 649 P.2d 569 (Or. 1982); *Hall v. May Dept. Stores*, 637 P.2d 126 (Or. 1981); *Wheeler v. Green*, 593 P.2d 777 (Or. 1979). See also *Comm. of 1000 v. Eivers*, 674 P.2d 1159, 1166 n. 1 (Or. 1983) (Linde, J., concurring); *In Re Laswell*, 623 P.2d 855 (Or. 1983).) As Model 4 reveals, in some states libel laws, either civil or criminal, survive under the authority of state law. (Note the relation between the state free speech and press provisions and the state remedy clauses (see Sect. X, "Administration of Justice" *infra*) guaranteeing a right to a remedy for injury to one's "reputation.") While some of the original state constitutions did not contain free speech or press guarantees, today one or another aspect of the right is protected in the bills or declarations of rights of all 50 states. See Simon, "Independent But Inadequate: State Constitutions & Protection of Freedom of Expression," 33 U. Kan. L. Rev. 305, 314 (1985). A number of the state free speech guarantees are not qualified by the words "no law." For a discussion of the significance of this omission, see Utter, "The Right to Speak, Write, & Publish Freely," 8 U. Puget Sound L. Rev. 157 (1985). For a discussion of early state decisional law concerning free speech, see Blanchard, "Filling the Void: Speech & Press in State Courts Prior to *Gilow*," *The First Amendment Reconsidered* 14, 194 (Chamberlin & Brown eds., 1982).

THE AMERICAN BENCH—1985/86

Some twenty-three state bills or declarations of rights have adopted language patterned after the freedom of speech and press provision found in the First Amendment. A number of states, such as Florida, Iowa, Louisiana, Maine, Montana, New Mexico, Utah and Wisconsin, have, in addition, combined the language contained in the First Amendment with language borrowed from other state constitutions. Only Hawaii's guarantee is derived solely from the federal Constitution. In the chart below, if a guarantee contains the word "abridging" used in a context pat-

terned after the First Amendment, it is designated by a single "X." Otherwise, the presence of the word "abridging" is noted by the use of the same letter twice ("XX"). As Models 1 and 4 reveal, the words "truth" and "in evidence" may be employed in different contexts. When these words are used in connection with the idea expressed in Model 1 a single "X" is used. When the same words appear in a context similar to that expressed by Model 4, the same letter is used twice ("XX").

THE AMERICAN BENCH—1985/86

FREEDOM OF SPEECH & PRESS

State	Section	Printing Presses	Any Subject	Abuse	Truth in Evidence (see Note)	Jury	Inviolably Preserved	No Law	Abridging ("restrain") (see Note)	Good Motives	Basic Similarity to Model(s) #
Alabama	Art. I, § 4		X	X				X			1
Alaska	Art. I, § 5		X	X							1
Arizona	Art. II, § 6		X	X							1
Arkansas	Art. II, § 6		X	X	XX		X			X	1 & 4
California	Art. I, § 2		X	X ^a				X	X ^b		1 & 3
Colorado	Art. II, § 10		X	X	XX	X		X	X ^c		1 & 4
Connecticut	Art. 1st §§ 4, 5, 6		X	X	XX	X		X	X ^a		1, 3 & 4
Delaware	Art. I, § 5	X	X	X	X	X		X	X		1
Florida	Art. I, § 4		X	X	XX			X	X	X	1, 3 & 4
Georgia	Art. I, § 1, ¶ 5		X	X				X	X ^c		1 & 4
Hawaii	Art. I, § 4		X	X				X	X		3
Idaho	Art. I, § 9		X	X							1
Illinois	Art. I, § 4		X	X	XX					X	1 & 4
Indiana	Art. I, §§ 9, 10		X	X	XX				XX ^f		1 & 4
Iowa	Art. I, § 7		X	X	XX	X		X	X	X	1, 3 & 4
Kansas	Bill of Rts., § 11		X	X	XX	X	X			X	1, 2 & 4
Kentucky	Bill of Rts., §§ 8, 9	X	X	X	X	X					1
Louisiana	Art. I, § 7		X	X				X	X ^b		1 & 3
Maine	Art. I, § 4		X	X	X	X		X	X ^b		1, 3 & 4
Maryland	Declar. of Rts., Art. 40		X	X			X				1 & 2
Massachusetts	Pt. First, Art. 16								XX ⁱ		2
Michigan	Art. I, § 5		X	X				X	X		1 & 3
Minnesota	Art. I, § 3		X	X			X				1 & 2
Mississippi	Art. 3, § 13				XX	X	X ^j			X	1 & 4
Missouri	Art. I, § 8		X	X	XX	X		X			1, 3 & 4
Montana	Art. II, § 7		X	X	XX	X		X	X ^e		1 & 4
Nebraska	Art. I, § 5		X	X						X	1 & 4
Nevada	Art. I, § 9		X	X	XX	X		X	X	X	1, 3 & 4
New Hampshire	Pt. First, Art. 22						X				2
New Jersey	Art. I, ¶ 6		X	X	XX	X		X	X	X	1, 3 & 4
New Mexico	Art. II, § 17		X	X	XX	X		X	X	X	1, 3 & 4
New York	Art. I, § 8		X	X	XX	X		X	X	X	1, 3 & 4

	Art. I, § 14			X	XX	X ¹	XX ¹	I & 2
North Carolina	Art. I, § 4			X	XX	X	XX ¹	I & 4
Ohio	Art. I, § 11	X		X	XX	X	X	X 1, 3 & 4
Oklahoma	Art. II, § 22	X		X	XX	X	X	X 1, 3 & 4
Oregon	Art. I, § 8			X	X	X	XX ^m	I & 3
Pennsylvania	Art. I, § 7	X		X	X	X	X	I
Rhode Island	Art. I, § 20			X	XX	X	X	1, 2 & 4
South Carolina	Art. I, §§ 2 & 16			X	XX	X	X	3 & 4
South Dakota	Art. VI, § 5	X		X	XX	X	X	X I & 4
Tennessee	Art. I, § 19	X		X	X	X	X ⁿ	I
Texas	Art. I, § 8			X	X	X	X	1 & 3
Utah	Art. I, § 15			X	XX	X	X	1, 3 & 4
Vermont	Ch. I, Art. 13th						XX ^o	
Virginia	Art. I, § 12			X	X	X	X	1, 2 & 3
Washington	Art. I, § 5			X				I
West Virginia	Art. III, §§ 7 & 8			X	XX	X	X ^o	X 3 & 4
Wisconsin	Art. I, § 3			X	XX	X	X	X 1, 3 & 4
Wyoming	Art. I, § 20			X	XX ^q	X		X I & 4
Totals**	50 states	4	41	42	6 (X) 25 (XX)	26	8 23 (X) 5 (XX)	20

*This section does not include reference to state speech and debate clauses pertaining to legislative proceedings. See e.g. N.H. Const., Pt. First, Art. 30.
 **Totals may depend on the particular wording of a guarantee as indicated in the language quoted in the footnotes below.
 a. See also Art. I, § 2 (b) re limitations on the use of the contempt power for a reporter's refusal to disclose certain information. Consult text of guarantee.
 b. "A law may not restrain or abridge liberty of speech or press."
 c. "No law shall be passed impairing the freedom of speech."
 d. "No law shall ever be passed to curtail or restrain the liberty of speech or of the press."
 e. "No law shall be passed to curtail or restrain the freedom of speech or of the press."
 f. "No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever."
 g. Similar to note d, *supra*.
 h. "... no laws shall be passed regulating or restraining the freedom of the press."
 i. "The liberty of the press ... ought not ... to be restrained ... The right of free speech shall not be abridged."
 j. "The freedom of speech and of the press shall be held sacred."
 k. "No law shall be passed impairing the freedom of speech or expression."
 Note: This is the only American constitutional guarantee that explicitly protects "freedom of ... expression." Cf. Or. Const., Art. I, § 8.
 l. "Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained."
 m. "The word 'restrained' is here used in a context nearly identical to that of the New Hampshire Constitution where the words 'inviolably preserved' are employed. Pt. First, Art. 22.
 n. "No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely."
 o. "... no law shall ever be passed curtailing the liberty of speech or of the press."
 p. "That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained."
 q. This provision appeared in the Vermont Constitutions of 1777 (Ch. I, Art. 14) and 1786 (Ch. I, Art. 15).
 r. "... but the Legislature may, by suitable penalties, restrain the publication or sale of obscene books, papers, or pictures, and provide for the punishment of libel, and defamation of character, and for the recovery, in civil actions, by the aggrieved party, of suitable damages for such libel, or defamation."
 s. "... and in all trials for libel ... the truth ... shall be a sufficient defense."

VII.

Self-Incrimination

Model 1

"The accused shall not be compelled to give evidence against himself. . . ." (Utah Const., Art. I, § 12).

Origin: Virginia Declaration of Rights, 1776, § 8.

Model 2

"That no person shall be compelled to testify against himself in a criminal cause. . . ." (Mo. Const., Art. I, § 19) (similar: "to be a witness against himself. . . ." Alaska Const., Art. I, § 9)

Note: Model 2 is similar to the Fifth Amendment of the United States Constitution in its emphasis on the testimony of a "witness." Model 1, by comparison, is not on its face limited to a witness' testimony but applies as well to any "evidence" that an accused may be "compelled" to provide. Some state high courts have held that this difference in wording is significant. See e.g. *Hansen v. Owens*, 619 P.2d 315 (Utah 1980); *State v. Neville*, 346 N.W.2d 425 (S.D. 1984). See also Welsh & Collins, *Taking State Constitutions Seriously*, 14 *The Center Mag.* 6, 13-14 (issue #5, 1981); Utter, *Freedom & Diversity in a Federal System*, 7 *U. Puget Sound L.Rev.* 491, 515 (1984); Miller, "Oklahoma's Constitutional Right Against Self-Incrimination & The Introduction Into

Evidence of The Refusal to Take a Sobriety Test," 37 *Okla. L.Rev.* 245 (1984).

SELF-INCRIMINATION

The following twenty-three states have self-incrimination guarantees similar to Model 1:

Arizona, Art. II, § 10
Connecticut, Art. 1st, § 8
Delaware, Art. I, § 7
Illinois Art. I, § 10
Kentucky, § 11
Louisiana, Art. I, § 16
Maine, Art. I, § 6
Maryland, Art. 22
Massachusetts, Part First, Art. 12
Mississippi, Art. 3, § 26
Nebraska, Art. I, § 12
New Hampshire, Part First, Art. 15
North Carolina, Art. I, § 23
Oklahoma, Art. II, § 21
Pennsylvania, Art. I, § 9 (see text of guarantee)
Rhode Island, Art. I, § 13
South Dakota, Art. VI, § 9
Tennessee, Art. I, § 9
Texas, Art. I, § 10
Utah, Art. I, § 12
Vermont, Ch. I, Art. 10
Virginia, Art I, § 8
Washington, Art. I, § 9

VIII.

Bail

Model 1

"All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great. . . ." (Pa. Const., Art. I, § 14)

History: A variation of this guarantee appeared in the Massachusetts Body of Liberties, 1641, § 18. A similar provision can be found in the Connecticut Declaration of Rights, 1776, § 4. See also Northwest Ordinance, 1787, Art. II.

Model 2

"All persons shall be bailable by sufficient sureties, except for treason . . . and murder, where the proof is evident or the presumption great. Excessive bail shall not be required. . . ." (Neb. Const., Bill of Rights, Art. I, § 9)

Origin: The excessive bail provision appears in the Virginia Declaration of Rights, 1776, § 9.

Model 3

"Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of

physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained." (Fla. Const., Art. I, § 14)

Note: Both of the basic bail guarantees, found in Models 1 and 2 above, derive (in this nation) from the early state declarations of rights. One notable difference between the right protected in Model 1 and the one protected under the second part of Model 2 is that the former requires that bail be made available in all cases except for "capital offenses when the proof is evident or presumption great." Model 3 imposes further limitations on the right, limitations beyond those "sufficient sureties" necessary to assure the accused's presence at trial. Similar and additional limitations may be found in sections 12 and 28(2) of Article I of the California Constitution as well as in section 13 of Article II of the New Mexico Constitution and section 8 of Article I of the Wisconsin Constitution. For a general discussion of the state bail guarantees, both statutory and constitutional, see *Haynes v. Burks*, 619 P.2d 632 (Or. 1980)

Some thirty-five state bills or declarations of rights contain provisions that have *both* an affirmative right to bail (Model 1) and a prohibition against "excessive" bail (second part of Model 2). Vermont is the only state that does not have a bail provision in its declaration of rights.

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THE AMERICAN BENCH—1985/86

BAIL

State	Section	Sufficient Sureties	Capital Offenses	Treason	Life Imprisonment	Proof Evident	Presumption Great	Excessive Bail	Other
Alabama	Art. I, § 16	X	X			X	X	X	
Alaska	Art. I, §§ 11, 12		X			X	X	X	
Arizona	Art. II, §§ 15, 22		X			X	X	X	X ^a
Arkansas	Art. II, § 9							X	
California	Art. I, §§ 12, 28	X	X			X	X	X	X ^b
Colorado	Art. II, §§ 19, 20	X	X			X	X	X	
Connecticut	Art. I, § 8	X	X			X	X		
Delaware	Art. I, §§ 11, 12	X	X			X ^c	X	X	
Florida	Art. I, § 14				X	X	X		X ^d
Georgia	Art. I, § I, ¶ XVII							X	
Hawaii	Art. I, § 12				X			X	X ^e
Idaho	Art. I, § 6	X	X			X	X	X	
Illinois	Art. I, § 9	X	X			X	X		
Indiana	Art. I, §§ 16, 17	X	X	X		X	X	X	
Iowa	Art. I, §§ 12, 17	X	X			X	X	X	
Kansas	Bill of Rts., § 9	X	X			X	X	X	
Kentucky	Bill of Rts., §§ 16, 17	X	X			X	X	X	
Louisiana	Art. I, § 18	X	X			X	X	X	X ^f
Maine	Art. I, §§ 6A, 9		X			X	X	X	
Maryland	Declar. of Rts., Art. 25							X	
Massachusetts	Part First, Art. 26							X	
Michigan	Art. I, §§ 15, 16	X	X	X		X	X	X	
Mississippi	Art. 3, § 29	X	X			X	X	X	
Missouri	Art. I, §§ 20, 21	X	X			X	X	X	
Montana	Art. II, §§ 21, 22	X	X			X	X	X	
Nebraska	Art. I, § 9	X	X	X		X	X	X	
Nevada	Art. I, §§ 6, 7	X	X			X	X	X	
New Hampshire	Part First, Art. 33							X	
New Jersey	Art. I, ¶¶ 11, 12	X	X			X	X	X	
New Mexico	Art. II, § 13	X	X			X	X	X	X ^g
New York	Art. I, § 5							X	
North Carolina	Art. I, § 27							X	
North Dakota	Art. I, § 6	X	X			X	X	X	

IX.

Sentencing* & Treatment of Arrested or Confined Persons

Model 1

"No person arrested, or confined in jail, shall be treated with *unnecessary rigor*." (Indiana Const., Art. I, § 15)

Origin: Tennessee Constitution, 1796, Art. XI, § 13

Note: The most scholarly discussion of this provision can be found in *Sterling v. Cupp*, 625 P.2d 123 (Or. 1981). See also Hemphill, "Challenging the Conditions of Confinement: A State Constitutional Approach," 20 Willamette L.Rev. 409 (1984).

Model 2

"All Penalties ought to be *proportioned* to the nature of the offense . . . [A] multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to *reform*, not exterminate mankind." (New Hampshire Const., Part First, Art. 18)

History: This provision appeared as early as 1783 in § 18 of the New Hampshire Constitution.

Note: To the extent that the concerns outlined in Models 1 and 2 are addressed in the federal Constitution, they can be found in the "cruel and unusual punishments" provision of the Eighth Amendment. The latter, also found in many state constitutions (see e.g. Iowa Const., Art. II, § 17), traces back to § 9 of the Virginia Declaration of Rights of 1776. Other state constitutional guarantees are also addressed to prisoner treatment. See e.g. Del. Const., Art. I, § 11 ("in the construction of jails a proper regard shall be had to the health of prisoners."); Ga. Const., Art. I, § 1, ¶ 18 (prohibiting banishment & whipping); La. Const., Art. I, § 20 (prohibiting "torture" & requiring full restoration of rights after termination of sentence); S.C. Const., Art. I, § 15 (prohibiting "corporal" punishment); Vt. Const., Ch. II, Art. 64 (noting preference for "hard labor" in order to make "sanguinary punishments less necessary").

SENTENCING & TREATMENT OF ARRESTED OR CONFINED PERSONS

Unnecessary Rigor	Proportionality of Penalties	Reformation
Georgia Const., Art. I § 1, ¶ XVII ^a	Indiana Const., Art. I, § 16	Alaska Const., Art. I, § 12 ^b
Indiana Const., Art. I, § 15	Maine Const., Art. I, § 9 ^c	Indiana Const., Art. I, § 18
Oregon Const., Art. I, § 13	Nebraska Const., Art. I, § 15 ^c	Montana Const., Art. II, § 28 ^d
Rhode Island Const., Art. I, § 14 ^f	New Hampshire Const., Pt. First, Art. 18	New Hampshire Const., Pt. First, Art. 1
Tennessee Const., Art. I, § 13	Oregon Const., Art. I, § 16	Oregon Const., Art. I, § 15
Utah Const., Art. I, § 9	Rhode Island Const., Art. I, § 8	Wyoming Const., Art. I, § 15 ^b
Wyoming Const., Art. I, § 16 ^e	West Virginia Const., Art. III, § 5 ⁱ	

*Not included in this section are "corruption of blood" provisions. See e.g. Tex. Const., Art. I, § 21 ("No conviction shall work corruption of blood, or forfeiture of estate. . ."). Also not included are criminal exile prohibitions, see e.g. Tex. Const., Art. I, § 20 ("No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.") and "cruel and unusual punishments" provisions. See e.g. Alaska Const., Art. I, § 12.

a. ". . . nor shall any person be abused in being arrested, while under arrest, or in prison."

b. "Penal administration shall be based on the principle of reformation and upon the need for protecting the public."

c. Also includes prohibition against "Sanguinary laws."

d. "Laws for the punishment of crime shall be founded on the principles of prevention and reformation."

e. Also includes "corruption of blood" provision and exile prohibition (see note * above).

f. ". . . no act of severity which is not necessary to secure an accused person shall be permitted."

g. Also includes the following: ". . . The erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for." See also Tenn. Const. (1870), Art. I, § 32.

h. "The penal code shall be framed on the humane principles of reformation and prevention."

i. Also includes an exile prohibition (see note * above).

X.

Administration of Justice

Model 1

"Every person within this state ought to find a certain remedy, by having *recourse to the laws*, for all injuries or wrongs which he may receive in his *person, property* or character; he ought to obtain right and justice, *freely*, and without being obliged to *purchase it; completely* and without denial; *promptly* and without delay; *conformably to the laws.*" (Vt. Const., Ch. I, Art. 4th)

Origin: The first American remedy guarantees appeared in the Delaware Declaration of Rights, 1776, § 12; Maryland Declaration of Rights, 1776, § 14 and the New Hampshire Bill of Rights, 1783, § 14.

Model 2

"That all *courts shall be open*; and every man, for any injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. *Suits* may be brought *against the State* in such a manner and in such courts as the Legislature may by law direct." (Tenn. Const., Art. I, § 17)

Model 3

"All courts shall be public, and every person shall have a speedy remedy therein for wrongs sustained." (S.C. Const., Art. I, § 9)

Model 4

"No court shall be *secret*, but justice shall be administered, *openly* and *without purchase, completely* and

without delay, and every man shall have a remedy by *due course* of law for injury done him in his person, *property, or reputation.*" (Or. Const., Art. I, § 10)

Note: The remedy provision of this guarantee has received considerable attention in some states. See e.g. *Kluger v. White*, 281 So.2d 1 (Fla. 1973) (striking down no fault ins. law); *White v. State*, 661 P.2d 1272 (Mont. 1983) (stat. limiting gov. tort liability struck down); *Heath v. Sears, Roebuck & Co.*, 464 A.2d 288 (N.H. 1983) (stat. of limitations struck down). But cf. *Gentile v. Altermatt*, 363 A.2d 1 (Conn. 1976) (upholding no fault ins. law); *Colton v. Dewy*, 321 N.W. 2d 913 (Neb. 1982) (upholding med. malpractice stat. of repose). In keeping with its remedy focus, it has been argued that the "due course of law" provision contained in Model 4 is not to be confused with "due process of law." See e.g. *Cole v. Dept. of Revenue*, 655 P.2d 171, 173 (Or. 1982); *Linde, Without "Due Process,"* 49 Or. L.Rev. 125, 133-38, 145-46 (1970).

A right to public and press access to court proceedings can be found in these guarantees. See e.g. *State ex rel Herald Mail Co. v. Hamilton*, 267 S.E.2d 544 (W.Va. 1980) ("Courts of this State shall be open" provision held to require press access to pretrial hearings); *State ex rel Oregonian Publishing Co. v. Deiz*, 613 P.2d 23 (Or. 1980) ("No court shall be secret" provision held to allow press and public access to juvenile ct. proceedings); *KFGO Radio Inc. v. Rothe*, 298 N.W. 2d 505 (N.D. 1980) ("All courts shall be open" provision held to allow public access to state attorney's inquiry).

THE AMERICAN BENCH—1985/86

ADMINISTRATION OF JUSTICE

State	Section	Recourse to Laws	Courts Open	Due Course	Person, Property, or Reputation	Goods	Freely	Without Purchase (or sale)	Completely (without denial)	Promptly Without Delay	Conformably	Suits Against State	No Secret Courts
Alabama	Art. I, § 13		X	X ^a	X			X	X	X			
Arkansas	Art. II, § 13	X ^b			X		X	X	X	X	X		
Colorado	Art. II, § 6		X		X			X	X	X			
Connecticut	Art. 1st, § 10		X	X	X			X	X	X			
Delaware	Art. I, § 9		X	X	X ^c			X	X	X		X	
Florida	Art. I, § 21		X		X ^d			X	X	X			
Idaho	Art. I, § 18		X		X				X ^e	X			
Illinois	Art. I, § 12	X ^f			X ^g		X		X	X			
Indiana	Art. I, § 12		X	X	X		X	X	X	X			
Kansas	Bill of Rts., § 18			X	X					X			
Kentucky	Bill of Rts., § 14		X	X	X	X		X	X	X			
Louisiana	Art. I, § 22		X	X ^h	X	X ⁱ			X	X			
Maine	Art. I, § 19			X	X ^j		X	X	X	X			
Maryland	Declar. of Rts., Art. 19			X ^k	X ^l		X	X	X	X			
Massachusetts	Part First, Art. 11	X			X		X	X	X	X	X		
Minnesota	Art. I, § 8	X ^m			X		X	X	X	X	X		
Mississippi	Art. 3, § 24		X	X	X			X	X	X			
Missouri	Art. I, § 14		X		X			X	X	X			
Montana	Art. II, § 16		X		X ⁿ			X	X	X			
Nebraska	Art. I, § 13		X	X	X	X			X	X			
New Hampshire	Part First, Art. 14	X			X		X	X	X	X	X		
North Carolina	Art. I, § 18		X	X	X	X			X	X			
North Dakota	Art. I, § 22		X	X ^c	X	X		X	X	X		X	
Ohio	Art. I, § 16		X	X	X	X			X	X		X	
Oklahoma	Art. II, § 6		X		X			X	X	X			
Oregon	Art. I, § 10			X	X			X	X	X			X
Pennsylvania	Art. I, § 11		X	X	X	X		X	X	X		X	

XI.

Imprisonment for Debt

Model 1

"There shall be no imprisonment for debt." (Miss. Const., Art. 3, § 30)

Model 2

"There shall be no imprisonment for debt, except in case of fraud or absconding debtors." (Or. Const., Art. I, § 19)

Model 3

"No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in a case of fraud; and no person shall be imprisoned for a militia fine in time of peace." (Iowa Const., Art. I, § 19)

Model 4

"No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment." (Ill. Const., Art. I, § 14)

Model 5

"No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud." (Colo. Const., Art. I, § 12)

History: Models 4 and 5, as well as the general prohibition against imprisonment for debt, are patterned after § 28 of the Pennsylvania Declaration of Rights of 1776.

Note: Today some thirty-nine state constitutions contain bills or declarations of rights provisions governing imprisonment for debt. (Vermont's constitutional prohibition is not contained in its Declaration of Rights. See Vt. Const., Ch. II, Art. 40) In a number of states these provisions exist alongside yet other provisions governing debtors. (See notes b and e below and Ga. Const., Art. I, § 1, ¶ 26) See generally Cohen, "The History of Imprisonment For Debt & Its Relation To The Development of Discharge in Bankruptcy," 3 J.L. Hist. 153 (1982).

IMPRISONMENT FOR DEBT

State	Section	Model 1	Model 2	Model 3	Model 4	Model 5
Alabama	Art. I, § 20	X				
Alaska	Art. I, § 17		X (debtors only)			
Arizona	Art. II, § 18		X (fraud only)			
Arkansas	Art. II, § 16			X (no militia)		
California	Art. I, § 10			X* (no fraud)		
Colorado	Art. II, § 12					X
Florida	Art. I, § 11		X (fraud only)			
Georgia	Art. I, § 1, ¶ XXIII	X				
Hawaii	Art. I, § 19	X				
Idaho	Art. I, § 15		X (fraud only)			
Illinois	Art. I, § 14				X	
Indiana	Art. I, § 22		X* (fraud only)			

THE AMERICAN BENCH—1985/86

IMPRISONMENT FOR DEBT — Continued

State	Section	Model 1	Model 2	Model 3	Model 4	Model 5
Iowa	Art. II, § 19			X		
Kansas	Bill of Rts., § 16		X (fraud only)			
Kentucky	Bill of Rts., § 18					X ^c
Michigan	Art. I, § 21		X ^d			
Minnesota	Art. I, § 12		X ^e (fraud only)			
Mississippi	Art. 3, § 30	X				
Missouri	Art. I, § 11	X ^f				
Montana	Art. II, § 27					X ^g
Nebraska	Art. I, § 20			X (no militia)		
Nevada	Art. I, ¶ 14		X ^h (fraud plus)			
New Jersey	Art. I, ¶ 13			X		
New Mexico	Art. II, § 21	X ⁱ				
North Carolina	Art. I, § 28		X (fraud only)			
North Dakota	Art. 1, § 15					X
Ohio	Art. I, § 15		X (fraud only)	X (no militia)		
Oklahoma	Art. II, § 13	X ^j				
Oregon	Art. I, § 19		X			
Pennsylvania	Art. I, § 16					X
Rhode Island	Art. I, § 11				X (no criminal provision)	X
South Carolina	Art. I, § 19		X (fraud only)			
South Dakota	Art. VI, § 15	X (contract)				
Tennessee	Art. I, § 18	X ^k				
Texas	Art. I, § 18	X				
Utah	Art. I, § 16		X (debtors only)			
Washington	Art. I, § 17		X (debtors only)			
Wisconsin	Art. I, § 16	X (contract)				
Wyoming	Art. I, § 5		X (fraud only)			
Totals*	39 States	11	16	6	2	6

*Totals may depend on the particular wording of a guarantee as noted in the parenthetical references above or in the notes below. Note that two states (Ohio and Rhode Island) are classified under two models. The imprisonment for debt provisions listed above are only those found in state bills or declarations of rights.

a. "... A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine."

b. "The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale, for the payment of any debt or liability thereafter contracted; and there shall be no imprisonment for debt, except in case of fraud."

c. "The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law."

d. "No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust."

e. "No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability."

THE AMERICAN BENCH—1985/86

The amount of such exemption shall be determined by law. Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same, and provided further, that such liability to seizure and sale shall also extend to all real property and for any debt for any laborer or servant for labor or service performed."

f. "That no person shall be imprisoned for debt, except for nonpayment of fines and penalties imposed by law."

g. "No person shall be imprisoned for debt except in the manner provided by law, upon refusal to deliver up his estate for the benefit

of his creditors, or in cases of tort, where there is a strong presumption of fraud."

h. ". . . And there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be . . . [imprisoned] for a Militia fine in time of Peace."

i. "No person shall be imprisoned for debt for any civil action."

j. "Imprisonment for debt is prohibited, except for the nonpayment of fines and penalties imposed for the violation of law."

k. "The Legislature shall pass no law authorizing imprisonment for debt in civil cases."

XII.

Right to Possess Arms*

Model 1

"The people have a right to *bear* arms, for the *defense* of *themselves* and the State." (Ind. Const., Art. I, § 32)

Origin: Pennsylvania Declaration of Rights, Art. 13 (1776).

Model 2

"A well-regulated *militia* being necessary to the security of a free state, the right of the people to *keep* and *bear* arms shall not be infringed." (Alaska, Art. I, § 19).

Model 3

"Every citizen shall have the right to *keep* and *bear* arms in the lawful *defense* of *himself* or the State; but the Legislature shall have power, by law, to *regulate* the wearing of arms, with a view to prevent crime." (Tex. Const., Art. I § 23)

Model 4

"The right of no person to *keep* and *bear* arms in defense of his *home*, *person* and *property*, or in the aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying *concealed* weapons." (Colo. Const., Art. II, § 13)

Model 5

"Every citizen has the right to *keep* and *bear* arms for security and *defense*, for lawful *hunting* and *recreational* use and for other lawful purposes." (Nev. Const., Art. I, § 11(1)).

Note: Today some forty states have constitutional provisions dealing with one or another aspect of the right to possess arms. This general right antedates the federal analogue contained in the Second Amendment and in some instances offers an important degree of constitutional protection beyond what is provided for in the federal Bill of Rights. *See e.g. State v. Kessler*, 614 P.2d 94 (Or. 1980). In one state, for example, it is illegal for the government to pass any law that "shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition." Idaho Const., Art. I, § 11. Other states impose special limitations on that right. Thus, in the state of Washington, one's right to "bear arms in defense of himself . . . or the state" does not thereby authorize "individuals or corporations or organize, maintain, or employ an armed body of men." Wash. Const., Art. I, § 24. *See Utter, Freedom & Diversity in A Federal System*, 7 U. Puget Sound L. Rev. 491, 517 (1984). Similarly, one state prohibits the "confiscation of firearms, except those actually used in the commission of a felony." Idaho Const., Art. I, § 11. For a comprehensive discussion of the various state guarantees, see Dowlut & Knoop, *State Constitutions & The Right to Keep and Bear Arms*, 7 Okla. City U.L. Rev. 177 (1982).

THE AMERICAN BENCH—1985/86

RIGHT TO POSSESS ARMS

State	Section	Personal Defense	Home Property	Militia Common Defense	Keep	Bear	Regulation Concealed Weapons	Licensure Registration Taxation	Confiscation	Hunting Recreation	Penalties	Armed Groups
Alabama	Art. I, § 26	X		X		X						
Alaska	Art. I, § 19			X	X							
Arizona	Art. II, § 26	X		X	X	X						X
Arkansas	Art. II, § 5			X	X	X						
Colorado	Art. II, § 13	X	X	X	X	X	X					
Connecticut	Art. 1st, § 15	X		X		X						
Florida	Art. I, § 8	X		X	X	X	X					
Georgia	Art. I, § 1, ¶ VIII			X	X	X	X					
Hawaii	Art. I, § 15			X	X	X						
Idaho	Art. I, § 11				X	X	X	X	X		X	
Illinois	Art. I, § 22				X	X	X ^a					
Indiana	Art. I, § 32	X		X		X						
Kansas	Bill of Rts. § 4	X ^b		X ^b								
Kentucky	Bill of Rts., § 7	X		X			X					
Louisiana	Art. I, § 11				X	X	X					
Maine	Art. I, § 16			X	X	X						
Massachusetts	Pt. First, Art. 17			X	X	X						
Michigan	Art. I, § 6	X		X	X	X						
Mississippi	Art. 3, § 12	X	X	X ^c	X	X	X					
Missouri	Art. I, § 23	X	X	X ^d	X	X	X					
Montana	Art. II, § 12	X	X	X ^c	X	X	X			X ^e		
Nevada	Art. I, § 11	X ^f			X	X						
New Hampshire	Pt. First, Art. 13th	X	X	X	X	X						
New Mexico	Art. II, § 6	X ^h			X	X	X			X ⁱ		
North Carolina	Art. I, § 30			X	X	X	X					
North Dakota	Art. I, § 1	X	X	X	X	X				X ⁱ		
Ohio	Art. I, § 4	X ^e		X ^e		X						
Oklahoma	Art. II, § 26	X	X	X ⁱ	X	X	X					
Oregon	Art. I, § 27	X		X		X						
Pennsylvania	Art. I, § 21	X		X		X						
Rhode Island	Art. I, § 22				X	X						

THE AMERICAN BENCH—1985/86

South Carolina	Art. I, § 20				X	X	X											
South Dakota	Art. VI, § 24	X			X													
Tennessee	Art. I, § 26				X	X	X	X										
Texas	Art. I, § 23	X			X	X	X	X										
Utah	Art. I, § 6	X	X		X	X	X	X										
Vermont	Ch. I, Art. 16th	X			X													
Virginia	Art. I, § 13				X	X	X											
Washington	Art. I, § 24	X			X													X
Wyoming	Art. I, § 24	X			X	X	X											
Totals	40	26	8	33	27	38	16	1	1	3	1	2						

*Not included are provisions such as the following: "All people . . . have inalienable rights. Among these are . . . defending life and liberty, acquiring, possessing, and protecting property. . . ." Cal. Const., Art. I, § 1.

- a. "Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed." Ill. Const., Art. I, § 22.
- b. "The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power."
- c. "The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power where thereto legally summoned . . ." Miss. Const., Art. III, § 12.
- d. Similar to note c, *supra*.

- e. Similar to note c, *supra*.
- f. "Every citizen has the right to keep and bear arms for security and defense. . . ." Nev. Const., Art. I, § 11.
- g. "Every citizen has the right to keep and bear arms . . . for lawful hunting and recreational use and for other lawful purposes." Nev. Const., Art. I, § 11. Quoted in full in Model 5, *supra*.
- h. Similar to note f, *supra*.
- i. See note g, *supra*.
- j. See note b, *supra*.
- k. Similar to note f, *supra*.
- l. See note c, *supra*.

XIII.

Private Property*

Model 1

“. . . no part of a man's property shall be taken from him, or applied to public uses, without his own *consent*, or that of the *representative body* of the people.” (N.H. Const., Part First, Art. 12th)

History: A version of this guarantee appeared in the Pennsylvania Declaration of Rights, 1776, § 8.

Model 2

“The property of no person shall be *taken* for public use without *just compensation* therefor.” (Wis. Const., Art. I, § 13)

History: The compensation requirement appeared in the Vermont Declaration of Rights of 1777, § 2. A similar requirement can be found in Article 2 of the Northwest Ordinance of 1787.

Model 3

“Private property shall not be *taken* for private use unless by consent of the owner, except for private ways of necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.” (Colo. Const., Art. II, § 14)

“Private property shall not be *taken* or *damaged*, for public or *private use*, without *just compensation*. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a *jury*, when required by the owner of the property, in such a manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a *judicial question*, and determined as such without regard to any legislative assertion that the use is public.” (Colo. Const., Art. II, § 15)

Model 4

“Private property shall not be *taken* or *damaged* for public use without *just compensation* as provided by

law. Such compensation shall be *determined by a jury* as provided by law.” (Ill. Const., Art. I, § 15)

Note: Nowhere perhaps is constitutional diversity more apparent than in state bills of rights provisions affecting private property. For example, the Alabama Declaration of Rights provides that “the right of eminent domain shall never be abridged. . . .” (Art. I, § 23) The Arkansas Declaration of Rights, by comparison, states that “[t]he right of property is before and higher than any constitutional sanction” even though the “State’s ancient right of eminent domain . . . is . . . fully and expressly conceded. . . .” (Art. II, §§ 22, 23) Some states, such as Arizona (Art. II, § 17), Washington (Art. I, § 16) and Oklahoma (Art. II, § 24), have quite detailed constitutional provisions; Missouri has three in its Bill of Rights. (Art. I, §§ 26-28) Notably, other states, such as Kansas, Maryland, New Hampshire and North Carolina, do not even provide for a constitutional guarantee of “just compensation.” Florida, Georgia and Michigan do have compensation guarantees in their constitutions, though they are not set forth in their bills of rights. What constitutes “just compensation” is a question some states have left to juries or to a “board of commissioners.” See e.g. Cal. Const. Art. I, § 19; Wash. Const., Art. I, § 16 (requiring a jury of 12 “freeholders”); Mo. Const. Art. I, § 26 (bd. of not less than 3 “freeholders”). Questions about what constitutes “public use” are in several states left to the judiciary rather than to the legislature. See e.g. Ariz. Const., Art. II, § 17. The Idaho Declaration of Rights itself defines what shall be a “public use” for purposes of the state’s eminent domain power. (Art. I, § 14.) See also Or. Const., Art. I, § 18. Still other constitutions regulate the eminent domain power when employed for the benefit of corporations “other than municipal.” See e.g. Wash. Const., Art. I, § 16; W.Va. Const., Art. III, § 9. Finally, some state constitutions provide that “no man’s particular services shall be demanded . . . without the consent of his representatives, or without just compensation being

THE AMERICAN BENCH—1985/86

made therefor." See Tenn. Const., Art. I, § 21; Or. Const., Art. I, § 18 (compensation required); Ind. Const., Art. I, § 21 (same). Discussed in *Emery v. State*, 688 P.2d 72 (Or. 1984) (Roberts, J., dissenting).

Because of the generally more detailed and diverse character of state bills of rights provisions affecting

property, their interpretation is apt to be different than that assigned to the Fifth Amendment of the U.S. Constitution. Thus, for example, the latter only requires "just compensation" when property has been "taken," whereas a number of states impose the same requirement whenever property is taken "or damaged." See e.g. Neb. Const., Art. I, § 21.

THE AMERICAN BENCH—1985/86

PRIVATE PROPERTY

State	Section	Consent	Representative	Taken	Damaged	Just Compensation	Judicial Question	Determined by Jury	Private Use
Alabama	Art. I, § 23			X ^a		X			X
Alaska	Art. I, § 18			X	X	X			
Arizona	Art. II, § 17			X	X	X	X	X	X
Arkansas	Art. II, §§ 22, 23			X	X	X			
California	Art. I, § 19			X	X	X		X	
Colorado	Art. II, §§ 14, 15			X	X	X	X	X	X
Connecticut	Art. 1st, § 11			X		X			
Delaware	Art. I, § 8	X	X	X ^b		X			
Hawaii	Art. I, § 20			X	X	X			
Idaho	Art. I, § 14			X		X			
Illinois	Art. I, § 15			X	X	X		X	
Indiana	Art. I, § 21			X		X			
Iowa	Art. I, § 18			X		X			
Kentucky	Bill of Rts., § 13	X	X	X ^c		X			
Louisiana	Art. I, § 4			X	X	X		X	X
Maine	Art. I, § 21			X		X			
Massachusetts	Pt. First, Art. 10			X ^d		X			
Minnesota	Art. I, § 13			X	X	X			
Mississippi	Art. 3, § 17			X	X	X	X		
Missouri	Art. I §§ 26, 27, 28			X	X	X	X	X	X
Montana	Art. II, § 29			X	X	X			
Nebraska	Art. I, § 21			X	X	X			
Nevada	Art. I, § 8			X		X			
New Hampshire	Pt. First, Art. 12	X	X						
New Jersey	Art. I, § 20			X		X			
New Mexico	Art. II, § 20			X	X	X			
New York	Art. I, § 7			X		X		X	
North Dakota	Art. I, § 14			X	X	X		X	
Ohio	Art. I, § 19			X		X		X	
Oklahoma	Art. II, § 24			X	X	X	X	X ^e	X
Oregon	Art. I, § 18			X		X			X

THE AMERICAN BENCH—1985/86

Pennsylvania	Art. I, § 10				X ^f			X		
Rhode Island	Art. I, § 16				X			X		
South Carolina	Art. I, § 13				X			X		
South Dakota	Art. VI, § 13				X	X		X	X ^g	X
Tennessee	Art. I, § 21		X		X ^b			X		
Texas	Art. I, § 17	X			X ⁱ		X	X		
Utah	Art. I, § 22				X		X	X		
Vermont	Ch. I, Art. 2nd				X			X ^h		
Virginia	Art. I, § 11				X		X	X		
Washington	Art. I, § 16				X	X	X	X	X	X
West Virginia	Art. III, § 9				X		X	X	X	X ^k
Wisconsin	Art. I, § 13				X			X		
Wyoming	Art. I, §§ 32, 33	X			X		X	X		X
Totals	44 states	5	4		43	23	43	6	13	10

*The following are not included in this section: Inalienable rights provisions re property, e.g. Cal. Const., Art. I, § 1; Due process, e.g. Ark. Const., Art. II, § 21; Debtors, e.g. Ga. Const., Art. I, § 1, ¶ 26, Nev. Const., Art. I, § 14; Remedies guarantees, e.g. Ind. Const., Art. I, § 12; Aliens, Kan. Bill of Rts., § 17; Penal convictions, e.g. Kan. Bill of Rts., § 12; Property qualifications, e.g. N.C. Const. Art. I, § 11; Property in persons, e.g. Tenn. Const., Art. I, § 34; Property not to be exempted from taxation, e.g. Ky. Bill of Rts., § 3.

- a. See text of guarantee.
- b. "... nor shall any man's property be taken or applied. . . ."
- c. See note b, *supra*.
- d. "... And whenever the public exigencies require, that the property of any individual should be appropriate to public uses, he shall receive a reasonable compensation. . . ."

- e. "... Any party aggrieved shall have the right of appeal, without bond, and trial by jury in a court of record. . . ."
- f. See note b, *supra*.
- g. "Private property shall not be taken for public use, or damaged, without just compensation, which shall be determined according to legal procedure established by the Legislature according to Section 6 (trial by jury) of this article. . . ."
- h. See note b, *supra*.
- i. See note b, *supra*.
- j. "... the owner ought to receive the equivalent in money."
- k. See text of guarantee.

BILLS AND DECLARATIONS OF RIGHTS

UNITED STATES

BILL OF RIGHTS

AMENDMENT I Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be de-

prived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

AMENDMENT VI In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the assistance of counsel for his defence.

AMENDMENT VII In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ALABAMA

ARTICLE I. Declaration of Rights

- SEC. 1. Inalienable rights
- SEC. 2. Popular sovereignty
- SEC. 3. Religious freedom
- SEC. 4. Freedom of speech and press
- SEC. 5. Searches and seizures
- SEC. 6. Rights of accused
- SEC. 7. Lawful arrest; ex post facto laws
- SEC. 8. Indictments
- SEC. 9. Double jeopardy
- SEC. 10. Right to counsel
- SEC. 11. Trial by jury
- SEC. 12. Libel
- SEC. 13. Judicial remedies
- SEC. 14. Sovereign immunity
- SEC. 15. Excessive fines; cruel or unusual punishment
- SEC. 16. Bail
- SEC. 17. Habeas corpus
- SEC. 18. Treason
- SEC. 19. Bills of attainder
- SEC. 20. Imprisonment for debt
- SEC. 21. Suspension of laws
- SEC. 22. Ex post facto laws; impairment of contract; special privileges or immunities
- SEC. 23. Eminent domain
- SEC. 24. Navigable waters
- SEC. 25. Right of assembly and petition
- SEC. 26. Right to bear arms
- SEC. 27. Standing army
- SEC. 28. Quartering of soldiers
- SEC. 29. Titles; term of office
- SEC. 30. Immigration; emigration; exile
- SEC. 31. Residence
- SEC. 32. Slavery
- SEC. 33. Protection of suffrage
- SEC. 34. Rights of aliens
- SEC. 35. Object of government
- SEC. 36. Reserved rights

ARTICLE I. Declaration of Rights

That the great, general, and essential principles of liberty and free government may be recognized and established, we declare:

Sec. 1. Inalienable rights.

That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

Sec. 2. Popular sovereignty.

That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

Sec. 3. Religious freedom.

That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

Sec. 4. Freedom of speech and press.

That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Sec. 5. Searches and seizures.

That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

Sec. 6. Rights of accused.

That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue, on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided, that at the time of the

THE AMERICAN BENCH—1985/86

ALABAMA

application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.

Sec. 7. Lawful arrest; ex post facto laws.

That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

Sec. 8. Indictments.

That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion, and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecution and proceedings before justices of the peace or such other inferior courts as may be by law established.

Sec. 9. Double jeopardy.

That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain an advantage by reason of such discharge of the jury.

Sec. 10. Right to counsel.

That no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party.

Sec. 11. Trial by jury.

That the right of trial by jury shall remain inviolate.

Sec. 12. Libel.

That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

Sec. 13. Judicial remedies.

That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

Sec. 14. Sovereign immunity.

That the State of Alabama shall never be made a defendant in any court of law or equity.

Sec. 15. Excessive fines; cruel or unusual punishment.

That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

Sec. 16. Bail.

That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the

proof is evident or the presumption great; and that excessive bail shall not in any case be required.

Sec. 17. Habeas corpus.

That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this state.

Sec. 18. Treason.

That treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 19. Bills of attainder.

That no person shall be attainted of treason by the legislature; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 20. Imprisonment for debt.

That no person shall be imprisoned for debt.

Sec. 21. Suspension of laws.

That no power of suspending laws shall be exercised except by the legislature.

Sec. 22. Ex post facto laws; impairment of contract; special privileges or immunities.

That no ex post facto law, nor any law, impairing the obligations of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the legislature; and every grant or franchise, privilege, or immunity shall forever remain subject to revocation, alteration, or amendment.

Sec. 23. Eminent domain.

That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected; but private property shall not be taken for, or applied to public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided, that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

Sec. 24. Navigable waters.

That all navigable waters shall remain forever public highways, free to the citizens of the state and the United States, without tax, impost, or toll; and that no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores

THE AMERICAN BENCH—1985/86

ALABAMA

or any wharf erected on the shores, or in or over the waters of any navigable streams, unless the same be expressly authorized by law.

Sec. 25. Right of assembly and petition.

That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

Sec. 26. Right to bear arms.

That every citizen has a right to bear arms in defense of himself and the state.

Sec. 27. Standing army.

That no standing army shall be kept up without the consent of the legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year: and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sec. 28. Quartering of soldiers.

That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Sec. 29. Titles; term of office.

That no title of nobility or hereditary distinction, privilege, honor, or emolument shall ever be granted or conferred in this state; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

Sec. 30. Immigration; emigration; exile.

That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

Sec. 31. Residence.

That temporary absence from the state shall not cause a forfeiture of residence once obtained.

Sec. 32. Slavery.

That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

Sec. 33. Protection of suffrage.

The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

Sec. 34. Rights of aliens.

Foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

Sec. 35. Object of government.

That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression.

Sec. 36. Reserved rights.

That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

ALASKA

ARTICLE I. Declaration of Rights

- SEC. 1. Inherent rights
- SEC. 2. Source of government
- SEC. 3. Civil rights
- SEC. 4. Freedom of religion
- SEC. 5. Freedom of speech
- SEC. 6. Assembly; petition
- SEC. 7. Due process
- SEC. 8. Grand jury
- SEC. 9. Jeopardy and self-incrimination
- SEC. 10. Treason
- SEC. 11. Rights of accused
- SEC. 12. Excessive punishment
- SEC. 13. Habeas corpus
- SEC. 14. Searches and seizures
- SEC. 15. Prohibited state action
- SEC. 16. Civil suits; trial by jury
- SEC. 17. Imprisonment for debt
- SEC. 18. Eminent domain
- SEC. 19. Right to bear arms
- SEC. 20. Quartering soldiers
- SEC. 21. Construction
- SEC. 22. Right of privacy

ARTICLE 1. Declaration of Rights

Sec. 1. [Inherent rights]

This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Sec. 2. [Source of government]

All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Sec. 3. [Civil rights]

No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. The legislature shall implement this section.

Sec. 4. [Freedom of religion]

No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Sec. 5. [Freedom of speech]

Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Sec. 6. [Assembly; petition]

The right of the people peaceably to assemble, and to petition the government shall never be abridged.

Sec. 7. [Due process]

No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of the legislative and executive investigations shall not be infringed.

Sec. 8. [Grand jury]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

Sec. 9. [Jeopardy and self-incrimination]

No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

Sec. 10 [Treason]

Treason against the State consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 11. [Rights of accused]

In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve; except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Sec. 12. [Excessive punishment]

Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

THE AMERICAN BENCH—1985/86

ALASKA

Sec. 13. [Habeas corpus]

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

Sec. 14. [Searches and seizures]

The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sec. 15. [Prohibited state action]

No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

Sec. 16. [Civil suits; trial by jury]

In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

Sec. 17. [Imprisonment for debt]

There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

Sec. 18. [Eminent domain]

Private property shall not be taken or damaged for public use without just compensation.

Sec. 19. [Right to bear arms]

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Sec. 20. [Quartering soldiers]

No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Sec. 21. [Construction]

The enumeration of rights in this constitution shall not impair or deny others retained by the people.

Sec. 22. [Right of privacy]

The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

ARIZONA

ARTICLE II. Declaration of Rights

- SEC. 1. Fundamental principles, recurrence to
- SEC. 2. Political power; purpose of government
- SEC. 3. Supreme law of the land
- SEC. 4. Due process of law
- SEC. 5. Right of petition and of assembly
- SEC. 6. Freedom of speech and press
- SEC. 7. Oaths and affirmations
- SEC. 8. Right to privacy
- SEC. 9. Irrevocable grants of privileges, franchises or immunities
- SEC. 10. Self-incrimination; double jeopardy
- SEC. 11. Administration of justice
- SEC. 12. Liberty of conscience; appropriations for religious purposes prohibited; religious freedom
- SEC. 13. Equal privileges and immunities
- SEC. 14. Habeas corpus
- SEC. 15. Excessive bail; cruel and unusual punishment
- SEC. 16. Corruption of blood; forfeiture of estate
- SEC. 17. Eminent domain; just compensation for private property taken; public use a judicial question
- SEC. 18. Imprisonment for debt
- SEC. 19. Bribery or illegal rebating; witnesses; self-incrimination no defense
- SEC. 20. Military power subordinate to civil power
- SEC. 21. Free and equal elections
- SEC. 22. Bailable offenses
- SEC. 23. Trial by jury; when jury of twelve required; when unanimous verdict required
- SEC. 24. Rights of accused in criminal prosecutions
- SEC. 25. Bills of attainder; ex post facto laws; impairment of contracts
- SEC. 26. Bearing arms
- SEC. 27. Standing army; quartering soldiers
- SEC. 28. Treason
- SEC. 29. Hereditary emoluments, privileges or powers; perpetuities or entailments
- SEC. 30. Indictment or information; preliminary examination
- SEC. 31. Damages for death or personal injury
- SEC. 32. Constitutional provisions mandatory
- SEC. 33. Reservation of rights
- SEC. 34. Industrial pursuits by state and municipal corporations

ARTICLE II. Declaration of Rights

- Sec. 1. Fundamental principles, recurrence to
A frequent recurrence to fundamental principles is essen-

tial to the security of individual rights and the perpetuity of free government.

Sec. 2. Political power; purpose of government

All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Sec. 3. Supreme law of the land

The Constitution of the United States is the supreme law of the land.

Sec. 4. Due process of law

No person shall be deprived of life, liberty, or property without due process of law.

Sec. 5. Right of petition and of assembly

The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged.

Sec. 6. Freedom of speech and press

Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Sec. 7. Oaths and affirmations

The mode of administering an oath, or affirmation, shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

Sec. 8. Right to privacy

No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Sec. 9. Irrevocable grants of privileges, franchises or immunities

No law granting irrevocably any privilege, franchise, or immunity shall be enacted.

Sec. 10. Self-incrimination; double jeopardy

No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Sec. 11. Administration of justice

Justice in all cases shall be administered openly, and without unnecessary delay.

Sec. 12. Liberty of conscience; appropriations for religious purposes prohibited; religious freedom

The liberty of conscience secured by the provisions of this Constitution shall not be so construed as to excuse acts of

THE AMERICAN BENCH—1985/86

ARIZONA

licentiousness, or justify practices inconsistent with the peace and safety of the State. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.

Sec. 13. Equal privileges and immunities

No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations.

Sec. 14. Habeas corpus

The privilege of the writ of habeas corpus shall not be suspended by the authorities of the State.

Sec. 15. Excessive bail; cruel and unusual punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 16. Corruption of blood; forfeiture of estate

No conviction shall work corruption of blood, or forfeiture of estate.

Sec. 17. Eminent domain; just compensation for private property taken; public use as judicial question

Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches, on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, paid into court for the owner, secured by bond as may be fixed by the court, or paid into the State treasury for the owner on such terms and conditions as the Legislature may provide, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Sec. 18. Imprisonment for debt

There shall be no imprisonment for debt, except in cases of fraud.

Sec. 19. Bribery or illegal rebating; witnesses; self-incrimination no defense

Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with bribery or illegal rebating, shall not

be excused from giving testimony or producing evidence, when legally called upon to do so, on the ground that it may tend to incriminate him under the laws of the State; but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify or produce evidence.

Sec. 20. Military power subordinate to civil power

The military shall be in strict subordination to the civil power.

Sec. 21. Free and equal elections

All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 22. Bailable offenses

All persons charged with crime shall be bailable by sufficient sureties, except for:

1. Capital offenses when the proof is evident or the presumption great.

2. Felony offenses, committed when the person charged is already admitted to bail on a separate felony charge and where the proof is evident or the presumption great as to the present charge.

Sec. 23. Trial by jury; number of jurors specified by law

The right of trial by jury shall remain inviolate. Juries in criminal cases in which a sentence of death or imprisonment for thirty years or more is authorized by law shall consist of twelve persons. In all criminal cases the unanimous consent of the jurors shall be necessary to render a verdict. In all other cases, the number of jurors, not less than six, and the number required to render a verdict, shall be specified by law.

Sec. 24. Rights of accused in criminal prosecutions

In criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Sec. 25. Bills of attainder; ex post facto laws; impairment of contract obligations

No bill or attainder, ex post facto law, or law impairing the obligation of a contract, shall ever be enacted.

Sec. 26. Bearing arms

The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

THE AMERICAN BENCH—1985/86

ARIZONA

Sec. 27. Standing army; quartering soldiers

No standing army shall be kept up by this State in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Sec. 28. Treason

Treason against the State shall consist only in levying war against the State, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 29. Hereditary emoluments, privileges or powers; perpetuities or entailments

No hereditary emoluments, privileges, or powers shall be granted or conferred, and no law shall be enacted permitting any perpetuity or entailment in this State.

Sec. 30. Indictment or information; preliminary examination

No person shall be prosecuted criminally in any court of record for felony or misdemeanor, otherwise than by in-

formation or indictment; no person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination.

Sec. 31. Damages for death or personal injuries

No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person.

Sec. 32. Constitutional provisions mandatory

The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

Sec. 33. Reservation of rights

The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

Sec. 34. Industrial pursuits by state and municipal corporations

The State of Arizona and each municipal corporation within the State of Arizona shall have the right to engage in industrial pursuits.

ARKANSAS

ARTICLE II. Declaration of Rights

- SEC. 1. Source of Power
- SEC. 2. Freedom and independence
- SEC. 3. Equality before the law
- SEC. 4. Right of assembly and of petition
- SEC. 5. Right to bear arms
- SEC. 6. Liberty of the press and of speech; libel
- SEC. 7. Jury trial; right to: waiver; civil cases, nine jurors agreeing (As amended by Amendment No. 16)
- SEC. 8. Criminal charges: self-incrimination; due process; double jeopardy; bail
- SEC. 9. Excessive bail or punishment prohibited; witnesses; detention
- SEC. 10. Rights of accused enumerated; change of venue
- SEC. 11. Habeas corpus
- SEC. 12. Suspension of laws
- SEC. 13. Redress of wrongs
- SEC. 14. Treason
- SEC. 15. Unreasonable searches and seizures
- SEC. 16. Imprisonment for debt
- SEC. 17. Attainder: ex post facto laws
- SEC. 18. Privileges and immunities; equality
- SEC. 19. Perpetuities and monopolies
- SEC. 20. Resident aliens; descent of property
- SEC. 21. Life, liberty and property; banishment prohibited
- SEC. 22. Property rights; taking without just compensation prohibited
- SEC. 23. Eminent domain and taxation
- SEC. 24. Religious liberty
- SEC. 25. Protection of religion
- SEC. 26. Religious tests
- SEC. 27. Slavery; standing armies; military sub-ordinate to civil power
- SEC. 28. Tenure of lands
- SEC. 29. Enumeration of rights of people not exclusive of other rights; protection against encroachment

ARTICLE II. Declaration of Rights

Sec. 1. Source of power

All political power is inherent to the people and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same in such manner as they may think proper.

Sec. 2. Freedom and independence

All men are created equally free and independent, and have certain inherent and inalienable rights, amongst

which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 3. Equality before the law

The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of race, color or previous condition.

Sec. 4. Right of assembly and of petition

The right of the people peaceably to assemble to consult for the common good, and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.

Sec. 5. Right to bear arms

The citizens of this State shall have the right to keep and bear arms for their common defense.

Sec. 6. Liberty of the press and of speech - Libel

The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.

Sec. 7. Jury trial - Right to - Waiver - Civil cases, nine jurors agreeing

The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law; and in all jury trials in civil cases, where as many as nine of the jurors agree upon a verdict, the verdict so agreed upon shall be returned as the verdict of such jury, provided, however, that where a verdict is returned by less than twelve jurors all the jurors consenting to such verdict shall sign the same.

This amendment to the Constitution of Arkansas shall be self-executing and require no enabling act, but shall take and have full force and effect immediately upon its adoption by the electors of the State.

Sec. 8. Criminal charges - Self-incrimination - Due process - Double jeopardy - Bail

No person shall be held to answer a criminal charge unless on the presentment or indictment of a grand jury, except

THE AMERICAN BENCH—1985/86

ARKANSAS

in cases of impeachment or cases such as the General Assembly shall make cognizable by justices of the peace, and courts of similar jurisdiction, or cases arising in the army and navy of the United States; or in the militia when in actual service in time of war or public danger; and no person, for the same offense, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the same or the next term of said court; nor shall any person be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Sec. 9. Excessive bail or punishment prohibited – Witnesses – Detention

Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishment be inflicted nor witnesses be unreasonably detained.

Sec. 10. Rights of accused enumerated – Change of venue

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by impartial jury of the county in which the crime shall have been committed; provided that the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such manner as now is, or may be, prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor, and to be heard by himself and his counsel.

Sec. 11. Habeas corpus

The privilege of the writ of habeas corpus shall not be suspended, except by the General Assembly, in case of rebellion, insurrection or invasion, when the public safety may require it.

Sec. 12. Suspensions of laws

No power of suspending or setting aside the law or laws of the State shall ever be exercised except by the General Assembly.

Sec. 13. Redress of wrongs

Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase, completely, and without denial, promptly and without delay, conformably to the laws.

Sec. 14. Treason

Treason against the State shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 15. Unreasonable searches and seizures

The right of the people of this State to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

Sec. 16. Imprisonment for debt

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

Sec. 17. Attainder – Ex post facto laws

No bill of attainder, ex post facto law or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 18. Privileges and immunities – Equality

The General Assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens.

Sec. 19. Perpetuities and monopolies

Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges or honors ever be granted or conferred in this State.

Sec. 20. Resident aliens – Descent of property

No distinction shall ever be made by law between resident aliens and citizens in regard to the possession, enjoyment or descent of property.

Sec. 21. Life, liberty and property – Banishment prohibited

No person shall be taken or imprisoned, or disseized of his estate, free-hold, liberties or privileges; or outlawed, or in any manner destroyed or deprived of his life, liberty or property, except by the judgment of his peers or the law of the land; nor shall any person, under any circumstances, be exiled from the State.

Sec. 22. Property rights – Taking without just compensation prohibited

The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor.

Sec. 23. Eminent domain and taxation

The State's ancient right of eminent domain and of taxation is herein fully and expressly conceded; and the General Assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations to the extent of providing for their existence, maintenance and well being, but no further.

Sec. 24. Religious liberty

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect or support any place of worship; or to maintain any

THE AMERICAN BENCH—1985/86

ARKANSAS

ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship above any other.

Sec. 25. Protection of religion

Religion, morality and knowledge being essential to good government, the General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 26. Religious tests

No religious test shall ever be required of any person as a qualification to vote or hold office, nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.

Sec. 27. Slavery – Standing armies – Military subordinate to civil power

There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing

army shall be kept in time of peace; the military shall at all times be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner in time of peace; nor in time of war, except in a manner prescribed by law.

Sec. 28. Tenure of lands

All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.

Sec. 29. Enumeration of rights of people not exclusive of other rights – Protection against encroachment

This enumeration of rights shall not be construed to deny or disparage others retained by the people and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in their article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

CALIFORNIA

ARTICLE I. Declaration of Rights

- SEC. 1. Inalienable Rights
- SEC. 2. Liberty of Speech and of the Press -
Newsperson's Refusal to Disclosure
Information Sources Not Adjudged in
Contempt
- SEC. 3. Right to Assemble and to Petition
- SEC. 4. Liberty of Conscience
- SEC. 5. The Military
- SEC. 6. Slavery Prohibited
- SEC. 7. Due Process of Law - Use of Pupil School
Assignment or Pupil Transportation;
Privileges and Immunities
- SEC. 8. Sex, Race, Etc., Not a Disqualification for
Business
- SEC. 9. Bill of Attainder - Ex Post Facto Law -
Obligation of Contract
- SEC. 10. Detention of Witnesses - No Imprisonment
for Debt
- SEC. 11. Suspension of Habeas Corpus
- SEC. 12. Bail - Release on Own Recognizance
- SEC. 13. Unreasonable Seizure and Search -
Warrant
- SEC. 14. Felony Defendant and Before Magistrate -
Prosecutions
- SEC. 15. Criminal Prosecutions - Rights of Accused
- Due Process of Law - Jeopardy -
Depositions - Assistance of Counsel
- SEC. 16. Trial by Jury; Number of Jurors in Civil
Trials; Number of Jurors in Criminal
Trials
- SEC. 17. Unusual Punishment - Excessive Fines
- SEC. 18. Treason
- SEC. 19. Eminent Domain
- SEC. 20. Rights of Noncitizens
- SEC. 21. Separate Property of Husband and Wife
- SEC. 22. No Property Qualification for Electors
- SEC. 23. Grand Juries
- SEC. 24. Constitutional Rights - Rights Reserved
- SEC. 25. Right to Fish
- SEC. 26. Constitution Mandatory and Prohibitory
- SEC. 27. Death Penalty
- SEC. 28. "The Victims' " Bill of Rights

ARTICLE I. Declaration of Rights

Sec. 1. [Inalienable Rights]

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Sec. 2. [Liberty of Speech and of the Press — Newspersons' Refusal to Disclosure Information Sources Not Adjudged in Contempt]

(a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

(b) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, shall not be adjudged in contempt by a judicial, legislative, or administrative body, or any other body having the power to issue subpoenas, for refusing to disclose the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

Nor shall a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

As used in this subdivision, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

Sec. 3. [Right to Assemble and to Petition]

The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

Sec. 4. [Liberty of Conscience]

Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

CALIFORNIA

Sec. 5. [The Military]

The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.

Sec. 6. [Slavery Prohibited]

Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.

Sec. 7. [Due Process of Law — Use of Pupil School Assignment or Pupil Transportation]

(a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation. In enforcing this subdivision or any other provision of this Constitution, no court of this state may impose upon the State of California or any public entity, board, or official any obligation or responsibility with respect to the use of pupil school assignment or pupil transportation, (1) except to remedy a specific violation by such party that would also constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution, and (2) unless a federal court would be permitted under federal decisional law to impose that obligation or responsibility upon such party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

Except as may be precluded by the Constitution of the United States, every existing judgment, decree, writ, or other order of a court of this state, whenever rendered, which includes provisions regarding pupil school assignment or pupil transportation, or which requires a plan including any such provisions shall, upon application to a court having jurisdiction by any interested person, be modified to conform to the provisions of this subdivision as amended, as applied to the facts which exist at the time of such modification.

In all actions or proceedings arising under or seeking application of the amendments to this subdivision proposed by the Legislature at its 1979-80 Regular Session, all courts, wherein such actions or proceedings are or may hereafter be pending, shall give such actions or proceedings first precedence over all other civil actions therein.

Nothing herein shall prohibit the governing board of a school district from voluntarily continuing or commencing a school integration plan after the effective date of this subdivision as amended.

In amending this subdivision, the Legislature and people of the State of California find and declare that this amendment is necessary to serve compelling public interests, including those of making the most effective use of the limited financial resources now and prospectively available to support public education, maximizing the educational opportunities and protecting the health and safety of all public school pupils, enhancing the ability of parents to participate in the educational process, preserv-

ing harmony and tranquility in this state and its public schools, preventing the waste of scarce fuel resources, and protecting the environment.

[Privileges and Immunities] (b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.

Sec. 8. [Sex, Race, Etc., Not a Disqualification for Business]

A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin.

Sec. 9. [Bill of Attainder — Ex Post Facto Law — Obligation of Contract]

A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.

Sec. 10. [Detention of Witnesses — No Imprisonment for Debt]

Witnesses may not be unreasonably detained. A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine.

Sec. 11. [Suspension of Habeas Corpus]

Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion.

Sec. 12. [Bail — Release on Own Recognizance]

A person shall be released on bail by sufficient sureties, except for:

(a) Capital crimes when the facts are evident or the presumption great;

(b) Felony offenses involving acts of violence on another person when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or

(c) Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.

Excessive bail may not be required. In fixing the amount of bail, the court shall take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case.

A person may be released on his or her own recognizance in the court's discretion.

Sec. 13. [Unreasonable Seizure and Search — Warrant]

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

CALIFORNIA

Sec. 14. [Felony Defendant Before Magistrate — Prosecutions]

Felonies shall be prosecuted as provided by law, either by indictment or, after examination and commitment by a magistrate, by information.

A person charged with a felony by complaint subscribed under penalty of perjury and on file in a court in the county where the felony is triable shall be taken without unnecessary delay before a magistrate of that court. The magistrate shall immediately give the defendant a copy of the complaint, inform the defendant of the defendant's right to counsel, allow the defendant a reasonable time to send for counsel, and on the defendant's request read the complaint to the defendant. On the defendant's request the magistrate shall require a peace officer to transmit within the county where the court is located a message to counsel named by defendant.

A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.

Sec. 15. [Criminal Prosecutions — Rights of Accused — Due Process of Law — Jeopardy — Depositions — Assistance of Counsel]

The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel.

Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law.

Sec. 16. [Trial by Jury]

Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

[Number of Jurors in Civil Trials] In civil causes the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court. In civil causes in municipal or justice court the Legislature may provide that the jury shall consist of eight persons or a lesser number agreed on by the parties in open court.

[Number of Jurors in Criminal Trials] In criminal actions in which a felony is charged, the jury shall consist of 12 persons. In criminal actions in which a misdemeanor is charged, the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court.

Sec. 17. [Unusual Punishment — Excessive Fines]

Cruel or unusual punishment may not be inflicted or excessive fines imposed.

Sec. 18. [Treason]

Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and

comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court.

Sec. 19. [Eminent Domain]

Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

Sec. 20. [Rights of Noncitizens]

Noncitizens have the same property rights as citizens.

Sec. 21. [Separate Property of Husband and Wife]

Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.

Sec. 22. [No Property Qualification for Electors]

The right to vote or hold office may not be conditioned by a property qualification.

Sec. 23. [Grand Juries]

One or more grand juries shall be drawn and summoned at least once a year in each county.

Sec. 24. [Constitutional Rights — Rights Reserved]

Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution.

This declaration of rights may not be construed to impair or deny others retained by the people.

Sec. 25. [Right to Fish]

The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

Sec. 26. [Constitution Mandatory and Prohibitory]

The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Sec. 27. [Death Penalty]

All statutes of this state in effect on February 17, 1972, requiring, authorizing, imposing, or relating to the death penalty are in full force and effect, subject to legislative amendment or repeal by statute, initiative, or referendum.

The death penalty provided for under those statutes shall not be deemed to be, or to constitute, the infliction of cruel or unusual punishments within the meaning of Article 1, Section 6 nor shall such punishment for such offenses be deemed to contravene any other provision of this constitution.

THE AMERICAN BENCH—1985/86

CALIFORNIA

Sec. 28. ["The Victims' Bill of Rights"]

(a) The People of the State of California find and declare that the enactment of comprehensive provisions and laws ensuring a bill of rights for victims of crime, including safeguards in the criminal justice system to fully protect those rights, is a matter of grave statewide concern.

The rights of victims pervade the criminal justice system, encompassing not only the right to restitution from the wrongdoers for financial losses suffered as a result of criminal acts, but also the more basic expectation that persons who commit felonious acts causing injury to innocent victims will be appropriately detained in custody, tried by the courts, and sufficiently punished so that the public safety is protected and encouraged as a goal of highest importance.

Such public safety extends to public primary, elementary, junior high, and senior high school campuses, where students and staff have the right to be safe and secure in their persons.

To accomplish these goals, broad reforms in the procedural treatment of accused persons and the disposition and sentencing of convicted persons are necessary and proper as deterrents to criminal behavior and to serious disruption of people's lives.

(b) *Restitution.* It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to restitution from the persons convicted of the crimes for losses they suffer.

Restitution shall be ordered from the convicted persons in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss, unless compelling and extraordinary reasons exist to the contrary. The Legislature shall adopt provisions to implement this section during the calendar year following adoption of this section.

(c) *Right to Safe Schools.* All students and staff of public primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful.

(d) *Right to Truth-in-Evidence.* Except as provided by statute hereafter enacted by a two-thirds vote of the mem-

bership in each house of the Legislature, relevant evidence shall not be excluded in any criminal proceeding, including pretrial and post conviction motions and hearings, or in any trial or hearing of a juvenile for a criminal offense, whether heard in juvenile or adult court. Nothing in this section shall affect any existing statutory rule of evidence relating to privilege or hearsay, or Evidence Code, Sections 352, 782 or 1103. Nothing in this section shall affect any existing statutory or constitutional right of the press.

(e) *Public Safety Bail.* A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety shall be the primary consideration.

A person may be released on his or her own recognizance in the court's discretion, subject to the same factors considered in setting bail. However, no person charged with the commission of any serious felony shall be released on his or her own recognizance.

Before any person arrested for a serious felony may be released on bail, a hearing may be held before the magistrate or judge, and the prosecuting attorney shall be given notice and reasonable opportunity to be heard on the matter.

When a judge or magistrate grants or denies bail or release on a person's own recognizance, the reasons for that decision shall be stated in the record and included in the court's minutes.

(f) *Use of Prior Convictions.* Any prior felony conviction of any person in any criminal proceeding, whether adult or juvenile, shall subsequently be used without limitation for purposes of impeachment or enhancement or sentence in any criminal proceeding. When a prior felony conviction is an element of any felony offense, it shall be proven to the trier of fact in open court.

(g) As used in this article, the term "serious felony" is any crime defined in Penal Code, Section 1192.7(c).

COLORADO

ARTICLE II. Bill of Rights

- SEC. 1. Vestment of political power
- SEC. 2. People may alter or abolish form of government — proviso
- SEC. 3. Inalienable rights
- SEC. 4. Religious freedom
- SEC. 5. Freedom of elections
- SEC. 6. Equality of justice
- SEC. 7. Security of person and property — searches — seizures — warrants
- SEC. 8. Prosecutions — indictment or information
- SEC. 9. Treason — estates of suicides
- SEC. 10. Freedom of speech and press
- SEC. 11. Ex post facto laws
- SEC. 12. No imprisonment for debt
- SEC. 13. Right to bear arms
- SEC. 14. Taking private property for private use
- SEC. 15. Taking property for public use — compensation, how ascertained
- SEC. 16. Criminal prosecutions — rights of defendant
- SEC. 17. Imprisonment of witnesses — depositions — form
- SEC. 18. Crimes — evidence against one's self — jeopardy
- SEC. 19. Right to bail — exceptions
- SEC. 20. Excessive bail, fines or punishment
- SEC. 21. Suspension of habeas corpus
- SEC. 22. Military subject to civil power — quartering of troops
- SEC. 23. Trial by jury — grand jury
- SEC. 24. Right to assemble and petition
- SEC. 25. Due process of law
- SEC. 26. Slavery prohibited
- SEC. 27. Property rights of aliens
- SEC. 28. Rights reserved not disparaged
- SEC. 29. Equality of the sexes

ARTICLE II. Bill of Rights

In order to assert our rights, acknowledge our duties, and proclaim the principles upon which our government is founded, we declare:

Sec. 1. Vestment of political power.

All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 2. People may alter or abolish form of government — proviso.

The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and inde-

pendent state; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided, such change be not repugnant to the constitution of the United States.

Sec. 3. Inalienable rights.

All persons have certain natural, essential and inalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Sec. 4. Religious freedom.

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

Sec. 5. Freedom of elections.

All elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. Equality of justice.

Courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.

Sec. 7. Security of person and property — searches — seizures — warrants.

The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or things shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

Sec. 8. Prosecutions — indictment or information.

Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally otherwise than by indictment, except in cases arising in the land or naval

COLORADO

forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information.

Sec. 9. Treason – estate of suicides.

Treason against the state can consist only in levying war against it or in adhering to its enemies, giving them aid and comfort; no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; no person can be attainted of treason or felony by the general assembly; no conviction can work corruption of blood or forfeiture of estate; the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

Sec. 10. Freedom of speech and press.

No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

Sec. 11. Ex post facto laws.

No ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the general assembly.

Sec. 12. No imprisonment for debt.

No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud.

Sec. 13. Right to bear arms.

The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

Sec. 14. Taking private property for private use.

Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.

Sec. 15. Taking property for public use – compensation, how ascertained.

Private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such

without regard to any legislative assertion that the use is public.

Sec. 16. Criminal prosecutions – rights of defendant.

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 17. Imprisonment of witnesses – depositions – form.

No person shall be imprisoned for the purpose of securing his testimony in any case longer than may be necessary in order to take his deposition. If he can give security he shall be discharged; if he cannot give security his deposition shall be taken by some judge of the supreme, district or county court, at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people shall have reasonable notice. The accused shall have the right to appear in person and by counsel. If he has no counsel, the judge shall assign him one in his behalf only. On the completion of such examination the witness shall be discharged on his own recognizance, entered into before said judge, but such deposition shall not be used if in the opinion of the court the personal attendance of the witness might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such deposition as to matters of form.

Sec. 18. Crimes – evidence against one's self – jeopardy.

No person shall be compelled to testify against himself in a criminal case nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after the verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

Sec. 19. Right to bail – exceptions.

(1) All persons shall be bailable by sufficient sureties except:

(a) For capital offenses when proof is evident or presumption is great; or

(b) When, after a hearing held within ninety-six hours of arrest and upon reasonable notice, the court finds that proof is evident or presumption is great as to the crime alleged to have been committed and finds that the public would be placed in significant peril if the accused were released on bail and such person is accused in any of the following cases:

(1) A crime of violence, as may be defined by the general assembly, alleged to have been committed while on probation of parole resulting from the conviction of a crime of violence;

(2) A crime of violence, as may be defined by the general assembly, alleged to have been committed while on bail pending the disposition of a previous crime of violence charge for which probable cause has been found;

THE AMERICAN BENCH—1985/86

COLORADO

(III) A crime of violence, as may be defined by the general assembly, alleged to have been committed after two previous felony convictions, or one such previous felony conviction if such was for a crime of violence, upon charges separately brought and tried under the laws of this state or under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States which, if committed in this state, would be a felony.

(c) When a person has been convicted of a crime of violence at the trial court level and such person is appealing such conviction or awaiting sentencing for such conviction, and the court finds that the public would be placed in significant peril if the convicted person were released on bail.

(2) Except in the case of a capital offense, if a person is denied bail under this section, the trial of the person shall be commenced not more than ninety days after the date on which bail is denied. If the trial is not commenced within ninety days and the delay is not attributable to the defense, the court shall immediately schedule a bail hearing and shall set the amount of the bail for the person.

(3) This section shall take effect January 1, 1983, and shall apply to offenses committed on or after said date. As amended November 1982.

Sec. 20. Excessive bail, fines or punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 21. Suspension of habeas corpus.

The privilege of the writ of habeas corpus shall never be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 22. Military subject to civil power – quartering of troops.

The military shall always be in strict subordination to the civil power; no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 23. Trial by jury – grand jury.

The right of trial by jury shall remain inviolate in criminal cases; but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve persons, as may be prescribed by law. Hereafter a grand jury shall consist of twelve persons, any nine of whom concurring may find an indictment; provided, the general assembly may change, regulate or abolish the grand jury system; and provided, further, the right of any person to serve on any jury shall not be denied or abridged on account of sex, and the general assembly may provide by law for the exemption from jury service of persons or classes of persons.

Sec. 24. Right to assemble and petition.

The people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

Sec. 25. Due process of law.

No person shall be deprived of life, liberty or property, without due process of law.

Sec. 26. Slavery prohibited.

There shall never be in this state either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Sec. 27. Property rights of aliens.

Aliens, who are or may hereafter become bona fide residents of this state, may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens.

Sec. 28. Rights reserved not disparaged.

The enumeration in this constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

Sec. 29. Equality of the sexes.

Equality of rights under the law shall not be denied or abridged by the state of Colorado or any of its political subdivisions on account of sex.

Sec. 30. Right to vote or petition on annexation – enclaves.

(1) No unincorporated area may be annexed to a municipality unless one of the following conditions first has been met:

(a) The question of annexation has been submitted to the vote of the landowners and the registered electors in the area proposed to be annexed, and the majority of such persons voting on the question have voted for the annexation; or

(b) The annexing municipality has received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality; or

(c) The area is entirely surrounded by or is solely owned by the annexing municipality.

(2) The provisions of this section shall not apply to annexations to the city and county of Denver, to the extent that such annexations are governed by other provisions of the constitution.

(3) The general assembly may provide by law for procedures necessary to implement this section. This section shall take effect upon completion of the canvass of votes taken thereon.

CONNECTICUT

ARTICLE I. Declaration of Rights

- SEC. 1. Equality of rights
- SEC. 2. Political power inherent in the people
- SEC. 3. Religious liberty
- SEC. 4. Right of citizens to speak, write and publish their sentiments
- SEC. 5. Freedom of speech and of the press
- SEC. 6. Defense in prosecutions for libel; powers of jury
- SEC. 7. Rights of search and seizure regulated
- SEC. 8. Rights of accused in criminal prosecutions
- SEC. 9. Arrest without warrant of law forbidden
- SEC. 10. Courts to be opened for the redress of injuries
- SEC. 11. Private property secured
- SEC. 12. Habeas corpus
- SEC. 13. Attainder by legislature prohibited
- SEC. 14. Right of citizens to assemble and to petition etc.
- SEC. 15. Right to bear arms
- SEC. 16. Military subordinate to civilian power
- SEC. 17. No quartering of soldiers without consent of owner
- SEC. 18. Hereditary emoluments prohibited
- SEC. 19. Right of trial by jury; number of jurors; peremptory challenges
- SEC. 20. Equal protection of the law; no discrimination on basis of race, religion etc.

ARTICLE I. Declaration of Rights.

That the great and essential principles of liberty and free government may be recognized and established,

WE DECLARE:

Sec. 1. [Equality of rights]

All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.

Sec. 2. [Political power inherent in the people]

All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

Sec. 3. [Religious liberty]

The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby

declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

Sec. 4. [Freedom of expression]

Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Sec. 5. [Speech & press]

No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

Sec. 6. [Libel]

In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

Sec. 7. [Search or seizure]

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Sec. 8. [Rights of accused]

In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by indictment or information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless on a presentment or an indictment of a grand jury, except in the armed forces, or in the militia when in actual service in time of war or public danger.

Sec. 9. [Arrests, detention & punishment]

No person shall be arrested, detained or punished, except in cases clearly warranted by law.

Sec. 10. [Courts to be open for redress of injuries]

All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall

THE AMERICAN BENCH—1985/86

CONNECTICUT

have remedy by due course of law, and right and justice administered without sale, denial or delay.

Sec. 11. [Private property secured]

The property of no person shall be taken for public use, without just compensation therefor.

Sec. 12. [Habeas corpus]

The privileges of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.

Sec. 13. [Attainder by legislature prohibited]

No person shall be attainted of treason or felony, by the legislature.

Sec. 14. [Assembly & petition]

The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

Sec. 15. [Right to bear arms]

Every citizen has a right to bear arms in defense of himself and the state.

Sec. 16. [Subordination of military]

The military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sec. 17. [Quartering soldiers]

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Sec. 18. [Hereditary emoluments]

No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

Sec. 19. [Trial by jury; number of jurors; peremptory challenges]

The right of trial by jury shall remain inviolate, the number of such jurors, which shall not be less than six, to be established by law; but no person shall, for a capital offense, be tried by a jury of less than twelve jurors without his consent. In all civil and criminal actions tried by a jury, the parties shall have the right to challenge jurors peremptorily, the number of such challenges to be established by law. The right to question each juror individually by counsel shall be inviolate.

Sec. 20. [Equal protection of the law]

No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex.

DELAWARE

ARTICLE I. Bill of Rights

- SEC. 1. Freedom of religion
- SEC. 2. Religious test for office not required
- SEC. 3. Free and equal elections
- SEC. 4. Trial by jury; composition of grand juries; concurrence in indictment
- SEC. 5. Freedom of press; evidence in libel prosecutions; jury questions
- SEC. 6. Searches and seizures
- SEC. 7. Procedural rights in criminal prosecutions; jury trial; self-incrimination; deprivation of life, liberty or property
- SEC. 8. Prosecution by indictment or information; double jeopardy; just compensation for property
- SEC. 9. Courts shall be open; remedy for injury; venue; suits against State
- SEC. 10. Suspension of laws by General Assembly
- SEC. 11. Excessive bail or fines; cruel punishments; health of prisoners
- SEC. 12. Right to bail; access to accused
- SEC. 13. Suspension of habeas corpus
- SEC. 14. Commission of oyer and terminer, or jail delivery
- SEC. 15. Corruption of blood; forfeiture; descent of suicide's estate
- SEC. 16. Right of assembly; petition for redress of grievances
- SEC. 17. Standing army; necessity for legislative consent; subordination of military
- SEC. 18. Prohibition against quartering soldiers in homes
- SEC. 19. Hereditary distinctions; holding office during good behavior; offices and titles from foreign states

ARTICLE I. Bill of Rights

Sec. 1. Freedom of religion.

Although it is the duty of all men frequently to assemble together for the public worship of Almighty God; and piety and morality, on which the prosperity of communities depends, are hereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

Sec. 2. Religious test for office not required.

No religious test shall be required as a qualification to any office, or public trust, under this State.

Sec. 3. Free and equal elections.

All elections shall be free and equal.

Sec. 4. Trial by jury; composition of grand juries; concurrence in indictment.

Trial by jury shall be as heretofore. Provided, however, that Grand Juries in New Castle County shall consist of fifteen members, one of whom shall be selected from, and shall be a resident of, each representative district in said County, and the affirmative vote of nine of whom shall be necessary to find a true bill of indictment; and the Grand Juries in Kent County and in Sussex County shall consist of ten members, one of whom shall be selected from, and shall be a resident of each representative district in the County in which he or she is selected, and the affirmative vote of seven of whom shall be necessary to find a true bill of indictment.

Sec. 5. Freedom of press; evidence in libel prosecutions; jury questions.

The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

Sec. 6. Searches and seizures.

The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.

Sec. 7. Procedural rights in criminal prosecutions; jury trial; self-incrimination; deprivation of life, liberty or property.

In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or council, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give

THE AMERICAN BENCH—1985/86

DELAWARE

evidence against himself, nor shall he be deprived of life, liberty or property, unless by the judgment of his peers or by the law of the land.

Sec. 8. Prosecution by indictment or information; double jeopardy; just compensation for property.

No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offense twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.

Sec. 9. Courts shall be open; remedy for injury; venue; suits against State.

All courts shall be open; and every man for an injury done him in his reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of the cause and the law of the land, without sale, denial, or unreasonable delay or expense. Suits may be brought against the State, according to such regulations as shall be made by law.

Sec. 10. Suspension of laws by General Assembly.

No power of suspending laws shall be exercised but by authority of the General Assembly.

Sec. 11. Excessive bail or fines; cruel punishments; health of prisoners.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the construction of jails a proper regard shall be had to the health of prisoners.

Sec. 12. Right to bail; access to accused.

All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is positive or the presumption great; and when persons are confined on accusation for such offenses their friends and counsel may at proper seasons have access to them.

Sec. 13. Suspension of habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 14. Commission of oyer and terminer, or jail delivery.

No commission of oyer and terminer, or jail delivery, shall be issued.

Sec. 15. Corruption of blood; forfeiture; descent of suicide's estate.

No attainder shall work corruption of blood, nor except during the life of the offender forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident no forfeiture shall thereby be incurred.

Sec. 16. Right of assembly; petition for redress of grievances.

Although disobedience to laws by part of the people, upon suggestions of impolicy or injustice in them, tends by immediate affect and the influence of example not only to endanger the public welfare and safety, but also in governments of a republican form contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right in an orderly manner to meet together, and to apply to persons intrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.

Sec. 17. Standing army; necessity for legislative consent; subordination of military.

No standing army shall be kept without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 18. Prohibition against quartering soldiers in home.

No soldier shall in time of peace be quartered in any house without the consent of the owner; not in time of war but by a civil magistrate, in manner to be prescribed by law.

Sec. 19. Hereditary distinctions; holding office during good behavior; offices and titles from foreign states.

No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this State shall accept of any office or title of any kind whatever from any king, prince, or foreign State.

WE DECLARE THAT EVERYTHING IN THIS ARTICLE IS RESERVED OUT OF THE GENERAL POWERS OF GOVERNMENT HEREINAFTER MENTIONED.

FLORIDA

ARTICLE I. Declaration of Rights

- SEC. 1. Political power
- SEC. 2. Basic rights
- SEC. 3. Religious freedom
- SEC. 4. Freedom of speech and press
- SEC. 5. Right to assemble
- SEC. 6. Right to work
- SEC. 7. Military power
- SEC. 8. Right to bear arms
- SEC. 9. Due process
- SEC. 10. Prohibited laws
- SEC. 11. Imprisonment for debt
- SEC. 12. Searches and seizures
- SEC. 13. Habeas corpus
- SEC. 14. Pretrial release and detention
- SEC. 15. Prosecution for crime; offenses committed by children
- SEC. 16. Rights of accused
- SEC. 17. Excessive punishments
- SEC. 18. Administrative penalties
- SEC. 19. Costs
- SEC. 20. Treason
- SEC. 21. Access to courts
- SEC. 22. Trial by jury
- SEC. 23. Right of privacy

ARTICLE I. Declaration of Rights

Sec. 1. Political power.

All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

Sec. 2. Basic rights.

All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion or physical handicap.

Sec. 3. Religious freedom.

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or

indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

Sec. 4. Freedom of speech and press.

Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

Sec. 5. Right to assemble.

The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

Sec. 6. Right to work.

The right of persons to work shall not be denied or abridged on account of membership of non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

Sec. 7. Military power.

The military power shall be subordinate to the civil.

Sec. 8. Right to bear arms.

The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

Sec. 9. Due process.

No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself.

Sec. 10. Prohibited laws.

No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

Sec. 11. Imprisonment for debt.

No person shall be imprisoned for debt, except in cases of fraud.

Sec. 12. Searches and seizures.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be

THE AMERICAN BENCH—1985/86

FLORIDA

violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution.

Sec. 13. Habeas corpus.

The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

Sec. 14. Pretrial release and detention.

Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

Sec. 15. Prosecution for crime; offenses committed by children.

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

Sec. 16. Rights of accused.

In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accu-

sation against him, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties he will be tried. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

Sec. 17. Excessive punishments.

Excessive fines, cruel or unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden.

Sec. 18. Administrative penalties.

No administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.

Sec. 19. Costs.

No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

Sec. 20. Treason.

Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort, and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 21. Access to courts.

The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Sec. 22. Trial by jury.

The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

Sec. 23. Right of privacy.

Every natural person has the right to be let alone and free from governmental intrusion into his private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

GEORGIA

ARTICLE I. Bill of Rights

SECTION I, Rights of Persons

- Par. 1. Due process of law
- Par. 2. Protection to person & property; equal protection
- Par. 3. Freedom of conscience
- Par. 4. Religious opinions; freedom of religion
- Par. 5. Freedom of speech & press
- Par. 6. Libel
- Par. 7. Protection of citizens
- Par. 8. Right to keep & bear arms
- Par. 9. Right to assemble & petition
- Par. 10. Bill of attainder; ex post facto laws; & retroactive laws
- Par. 11. Right to jury trial; number of jurors; selection & compensation
- Par. 12. Right to the courts
- Par. 13. Searches, seizures & warrants
- Par. 14. Rights of accused
- Par. 15. Habeas corpus
- Par. 16. Self-incrimination
- Par. 17. Bails; fines; punishment; treatment of arrested or imprisoned persons
- Par. 18. Double jeopardy
- Par. 19. Treason
- Par. 20. Conviction, effect of
- Par. 21. Banishment & whipping as punishment for crime
- Par. 22. Involuntary servitude
- Par. 23. Imprisonment for debt
- Par. 24. Costs in criminal cases
- Par. 25. Status of citizen
- Par. 26. Exemptions from levy & sale
- Par. 27. Spouse's separate property
- Par. 28. Enumeration of rights not denial of others

ARTICLE I. Bill of Rights

SECTION I. Rights of Persons

Paragraph I. Life, liberty and property.

No person shall be deprived of life, liberty, or property except by due process of law.

Paragraph II. Protection to person and property; equal protection.

Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.

Paragraph III. Freedom of conscience.

Each person has the natural and inalienable right to worship God, each according to the dictates of that person's

own conscience and no human authority should, in any case, control or interfere with such right of conscience.

Paragraph IV. Religious opinions; freedom of religion.

No inhabitant of this state shall be molested in person or property or be prohibited from holding any public office or trust on account of religious opinions; but the right of freedom of religion shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state.

Paragraph V. Freedom of speech and of the press guaranteed.

No law shall be passed to curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish sentiments on all subjects but shall be responsible for the abuse of that liberty.

Paragraph VI. Libel.

In all civil or criminal actions for libel, the truth may be given in evidence; and if it shall appear to the trier of fact that the matter charged as libelous is true, the party shall be discharged.

Paragraph VII. Citizens, protection of.

All citizens of the United States, resident in this state, are hereby declared citizens of this state; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship.

Paragraph VIII. Arms, right to keep and bear.

The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

Paragraph IX. Right to assemble and petition.

The people have the right to assemble peaceably for their common good and to apply by petition or remonstrance to those vested with the powers of government for redress of grievances.

Paragraph X. Bill of attainder; ex post facto laws; and retroactive laws.

No bill of attainder, ex post facto law, retroactive law, or laws impairing the obligation of contract or making irrevocable grant or specific privileges or immunities shall be passed.

Paragraph XI. Right to trial by jury; number of jurors; selection and compensation of jurors.

(a) The right to trial by jury shall remain inviolate, except that the court shall render judgment without the verdict of

THE AMERICAN BENCH—1985/86

GEORGIA

a jury in all civil cases where no issuable defense is filed and where a jury is not demanded in writing by either party. In criminal cases, the defendant shall have a public and speedy trial by an impartial jury; and the jury shall be the judges of the law and the facts.

(b) A trial jury shall consist of 12 persons; but the General Assembly may prescribe any number, not less than six, to constitute a trial jury in courts of limited jurisdiction and in superior courts in misdemeanor cases.

(c) The General Assembly shall provide by law for the selection and compensation of persons to serve as grand jurors and trial jurors.

Paragraph XII. Right to the courts.

No person shall be deprived of the right to prosecute or defend, either in person or by an attorney, that person's own cause in any of the courts of this state.

Paragraph XIII. Searches, seizures, and warrants.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause supported by oath or affirmation particularly describing the place or places to be searched and the persons or things to be seized.

Paragraph XIV. Benefit of counsel; accusation; list of witnesses; compulsory process.

Every person charged with an offense against the laws of this state shall have the privilege and benefit of counsel; shall be furnished with a copy of the accusation or indictment and, on demand, with a list of the witnesses on whose testimony such charge is founded; shall have compulsory process to obtain the testimony of that person's own witnesses; and shall be confronted with the witnesses testifying against such person.

Paragraph XV. Habeas corpus.

The writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety may require it.

Paragraph XVI. Self-incrimination.

No person shall be compelled to give testimony tending in any manner to be self-incriminating.

Paragraph XVII. Bail; fines; punishment; arrest, abuse of prisoners.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused in being arrested, while under arrest, or in prison.

Paragraph XVIII. Jeopardy of life or liberty more than once forbidden.

No person shall be put in jeopardy of life or liberty more

than once for the same offense except when a new trial has been granted after conviction or in case of mistrial.

Paragraph XIX. Treason.

Treason against the State of Georgia shall consist of insurrection against the state, adhering to the state's enemies, or giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act or confession in open court.

Paragraph XX. Conviction, effect of.

No conviction shall work corruption of blood or forfeiture of estate.

Paragraph XXI. Banishment and whipping as punishment for crime.

Neither banishment beyond the limits of the state nor whipping shall be allowed as a punishment for crime.

Paragraph XXII. Involuntary servitude.

There shall be no involuntary servitude within the State of Georgia except as a punishment for crime after legal conviction thereof or for contempt of court.

Paragraph XXIII. Imprisonment for debt.

There shall be no imprisonment for debt.

Paragraph XXIV. Costs.

No person shall be compelled to pay costs in any criminal case except after conviction on final trial.

Paragraph XXV. Status of the citizen.

The social status of a citizen shall never be the subject of legislation.

Paragraph XXVI. Exemptions from levy and sale.

The General Assembly shall protect by law from levy and sale by virtue of any process under the laws of this state a portion of the property of each person in an amount of not less than \$1,600.00 and shall have authority to define to whom any such additional exemptions shall be allowed; to specify the amount of such exemptions; to provide for the manner of exempting such property and for the sale, alienation, and encumbrance thereof; and to provide for the waiver of said exemptions by the debtor.

Paragraph XXVII. Spouse's separate property.

The separate property of each spouse shall remain the separate property of that spouse except as otherwise provided by law.

Paragraph XXVIII. Enumeration of rights not denial of others.

The enumeration of rights herein contained as a part of this Constitution shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

HAWAII

ARTICLE I. Bill of Rights

- SEC. 1. Political Power
- SEC. 2. Rights of Individuals
- SEC. 3. Equality of Rights
- SEC. 4. Freedom of Religion, Speech, Press, Assembly and Petition
- SEC. 5. Due Process and Equal Protection
- SEC. 6. Right to Privacy
- SEC. 7. Searches, Seizures and Invasion of Privacy
- SEC. 8. Rights of Citizens
- SEC. 9. Enlistment; Segregation
- SEC. 10. Indictment; Preliminary Hearing; Double-Jeopardy; Self-Incrimination
- SEC. 11. Grand Jury Counsel
- SEC. 12. Bail; Excessive Punishment
- SEC. 13. Trial by Jury, Civil Cases
- SEC. 14. Rights of Accused
- SEC. 15. Habeas Corpus and Suspension of Laws
- SEC. 16. Supremacy of Civil Power
- SEC. 17. Right to Bear Arms
- SEC. 18. Quartering of Soldiers
- SEC. 19. Imprisonment for Debt
- SEC. 20. Eminent Domain
- SEC. 21. Limitations of Special Privileges
- SEC. 22. Construction

ARTICLE I. Bill of Rights

Sec. 1. Political Power

All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

Sec. 2. Rights of Individuals

All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

Sec. 3. Equality of Rights

Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section.

Sec. 4. Freedom of Religion, Speech, Press, Assembly and Petition

No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right

of the people peaceably to assemble and to petition the government for a redress of grievances.

Sec. 5. Due Process and Equal Protection

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

Sec. 6. Right to Privacy

The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right.

Sec. 7. Searches, Seizures and Invasion of Privacy

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

Sec. 8. Rights of Citizens

No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.

Sec. 9. Enlistment; Segregation

No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.

Sec. 10. Indictment; Preliminary Hearing; Double Jeopardy; Self-Incrimination

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury or upon a finding of probable cause after a preliminary hearing held as provided by law, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy, nor shall any person be compelled in any criminal case to be a witness against oneself.

Sec. 11. Grand Jury Counsel

Whenever a grand jury is impaneled, there shall be an independent counsel appointed as provided by law to advise the members of the grand jury regarding matters brought before it. Independent counsel shall be selected from among those persons licensed to practice law by the

THE AMERICAN BENCH—1985/86

HAWAII

supreme court of the State and shall not be a public employee. The term and compensation for independent counsel shall be as provided by law.

Sec. 12. Bail; Excessive Punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment.

Sec. 13. Trial by Jury, Civil Cases

In suits at common law where the value in controversy shall exceed one thousand dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.

Sec. 14. Rights of Accused

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against the accused; to have compulsory process for obtaining witnesses in the accused's favor; and to have the assistance of counsel for the accused's defense. Juries, where the crime charged is serious, shall consist of twelve persons. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment.

Sec. 15. Habeas Corpus and Suspension of Laws

The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion,

the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.

Sec. 16. Supremacy of Civil Power

The military shall be held in strict subordination to the civil power.

Sec. 17. Right to Bear Arms

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Sec. 18. Quartering of Soldiers

No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner provided by law.

Sec. 19. Imprisonment for Debt

There shall be no imprisonment for debt.

Sec. 20. Eminent Domain

Private property shall not be taken or damaged for public use without just compensation.

Sec. 21. Limitations of Special Privileges

The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.

Sec. 22. Construction

The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

IDAHO

ARTICLE I. Declaration of Rights

- SEC. 1. **Inalienable rights of man**
- SEC. 2. **Political power inherent in the people**
- SEC. 3. **State inseparable part of Union**
- SEC. 4. **Guaranty of religious liberty**
- SEC. 5. **Right of habeas corpus**
- SEC. 6. **Right to bail — cruel and unusual punishments prohibited**
- SEC. 7. **Right to trial by jury**
- SEC. 8. **Prosecutions only by indictment or information**
- SEC. 9. **Freedom of Speech**
- SEC. 10. **Right of assembly**
- SEC. 11. **Right to bear arms**
- SEC. 12. **Military subordinate to civil power**
- SEC. 13. **Guaranties in criminal actions and due process of law**
- SEC. 14. **Right of eminent domain**
- SEC. 15. **Imprisonment for debt prohibited**
- SEC. 16. **Bills of attainder, etc., prohibited**
- SEC. 17. **Unreasonable searches and seizures prohibited**
- SEC. 18. **Justice to be freely and speedily administered**
- SEC. 19. **Right of suffrage guaranteed**
- SEC. 20. **No property qualifications required of electors**
- SEC. 21. **Reserved rights not impaired**

ARTICLE I. Declaration of Rights

Sec. 1. **Inalienable rights of man.**

All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety.

Sec. 2. **Political power inherent in the people.**

All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature.

Sec. 3. **State inseparable part of Union.**

The state of Idaho is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Sec. 4. **Guaranty of religious liberty.**

The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied

any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the state; nor to permit any person, organization, or association to directly or indirectly aid or abet, counsel or advise any person to commit the crime of bigamy or polygamy, or any other crime. No person shall be required to attend or support any ministry of place of worship, religious sect or denomination, or pay tithes against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. Bigamy and polygamy are forever prohibited in the state, and the legislature shall provide by law for the punishment of such crimes.

Sec. 5. **Right of habeas corpus.**

The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

Sec. 6. **Right to bail — Cruel and unusual punishments prohibited.**

All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excess fines imposed, nor cruel and unusual punishments inflicted.

Sec. 7. **Right to trial by jury.**

The right to trial by jury shall remain inviolate; but in civil actions, three-fourths of the jury may render a verdict, and the legislature may provide that in all cases of misdemeanors five-sixths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions the jury may consist of twelve or of any number less than twelve upon which the parties may agree in open court. Provided, that in cases of misdemeanor and in civil actions within the jurisdiction of any court inferior to the district court, whether such case or action be tried in such inferior court or in the district court, the jury shall consist of not more than six.

Sec. 8. **Prosecutions only by indictment or information.**

No person shall be held to answer for any felony or criminal offense of any grade, unless on presentment of indictment of a grand jury or on information of the public

THE AMERICAN BENCH—1985/86

IDAHO

prosecutor, after a commitment by a magistrate, except in cases of impeachment, in cases cognizable by probate courts or by justices of the peace, and in cases arising in the militia when in actual service in time of war or public danger; provided, that a grand jury may be summoned upon the order of the district court in the manner provided by law, and provided further, that after a charge has been ignored by a grand jury, no person shall be held to answer, or for trial therefor, upon information of the public prosecutor.

Sec. 9. Freedom of speech.

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty.

Sec. 10. Right of assembly.

The people shall have the right to assemble in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the legislature for the redress of grievances.

Sec. 11. Right to keep and bear arms.

The people have the right to keep and bear arms, which right shall not be abridged; but this provision shall not prevent the passage of laws to govern the carrying of weapons concealed on the person nor prevent passage of legislation providing minimum sentences for crimes committed while in possession of a firearm, nor prevent the passage of legislation providing penalties for the possession of firearms by a convicted felon, nor prevent the passage of any legislation punishing the use of a firearm. No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition. Nor shall any law permit the confiscation of firearms, except those actually used in the commission of a felony.

Sec. 12. Military subordinate to civil power.

The military shall be subordinate to the civil power; and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Sec. 13. Guaranties in criminal actions and due process of law.

In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be twice put in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law.

Sec. 14. Right of eminent domain.

The necessary use of lands for the construction of reservoirs or storage basins, for the purpose of irrigation; or

for rights of way for the construction of canals, ditches, flumes or pipes, to convey water to the place of use for any useful, beneficial or necessary purpose, or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps, or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the state, or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the state.

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

Sec. 15. Imprisonment for debt prohibited.

There shall be no imprisonment for debt in this state except in cases of fraud.

Sec. 16. Bills of attainder, etc., prohibited.

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

Sec. 17. Unreasonable searches and seizures prohibited.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Sec. 18. Justice to be freely and speedily administered.

Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay, or prejudice.

Sec. 19. Right of suffrage guaranteed.

No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

Sec. 20. No property qualification required of electors — Exceptions.

No property qualifications shall ever be required for any person to vote or hold office except in school elections, or elections creating indebtedness, or in irrigation district elections, as to which last-named elections the legislature may restrict the voters to land owners.

Sec. 21. Reserved rights not impaired.

This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

ILLINOIS

ARTICLE I. Bill of Rights

- SEC. 1. Inherent and inalienable rights
- SEC. 2. Due process and equal protection
- SEC. 3. Religious freedom
- SEC. 4. Freedom of speech
- SEC. 5. Right to assemble and petition
- SEC. 6. Searches, seizures, privacy and interceptions
- SEC. 7. Indictment and preliminary hearing
- SEC. 8. Rights after indictment
- SEC. 9. Bail and habeas corpus
- SEC. 10. Self-incrimination and double jeopardy
- SEC. 11. Limitation of penalties after conviction
- SEC. 12. Right to remedy and justice
- SEC. 13. Trial by jury
- SEC. 14. Imprisonment for debt
- SEC. 15. Right of eminent domain
- SEC. 16. Ex post facto laws and impairing contracts
- SEC. 17. No discrimination in employment and the sale or rental of property
- SEC. 18. No discrimination on the basis of sex
- SEC. 19. No discrimination against the handicapped
- SEC. 20. Individual dignity
- SEC. 21. Quartering of soldiers
- SEC. 22. Right to arms
- SEC. 23. Fundamental principles
- SEC. 24. Rights retained

ARTICLE I. Bill of Rights

Sec. 1. Inherent and Inalienable Rights

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 2. Due Process and Equal Protection

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

Sec. 3. Religious Freedom

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify

practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference by [be] given by law to any religious denomination or mode of worship.

Sec. 4. Freedom of Speech

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

Sec. 5. Right to Assemble and Petition

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

Sec. 6. Searches, Seizures, Privacy and Interceptions

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

Sec. 7. Indictment and Preliminary Hearing

No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or by imprisonment other than in the penitentiary, in cases of impeachment, and in cases arising in the militia when in actual service in time of war or public danger. The General Assembly by law may abolish the grand jury or further limit its use.

No person shall be held to answer for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing to establish probable cause.

Sec. 8. Rights After Indictment

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to meet the witnesses face to face and to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.

THE AMERICAN BENCH—1985/86

ILLINOIS

Sec. 9. Bail and Habeas Corpus

All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it.

Sec. 10. Self-Incrimination and Double Jeopardy

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

Sec. 11. Limitation of Penalties After Conviction

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

Sec. 12. Right to Remedy and Justice

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

Sec. 13. Trial by Jury

The right of trial by jury as heretofore enjoyed shall remain inviolate.

Sec. 14. Imprisonment for Debt

No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.

Sec. 15. Right of Eminent Domain

Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

Sec. 16. Ex Post Facto Laws and Impairing Contracts

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

Sec. 17. No Discrimination in Employment and the Sale or Rental of Property

All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property.

These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation.

Sec. 18. No Discrimination on the Basis of Sex

The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

Sec. 19. No Discrimination Against the Handicapped

All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property and shall be free from discrimination unrelated to ability in the hiring and promotion practices of any employer.

Sec. 20. Individual Dignity

To promote individual dignity, communications that portray criminality, depravity or lack of virtue in, or that incite violence, hatred, abuse or hostility toward, a person or group of persons by reason of or by reference to religious, racial, ethnic, national or regional affiliation are condemned.

Sec. 21. Quartering of Soldiers

No soldier in time of peace shall be quartered in a house without the consent of the owner; nor in time of war except as provided by law.

Sec. 22. Right to Arms

Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.

Sec. 23. Fundamental Principles

A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty. These blessings cannot endure unless the people recognize their corresponding individual obligations and responsibilities.

Sec. 24. Rights Retained

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the individual citizens of the State.

INDIANA

ARTICLE I. Bill of Rights

- SEC. 1. Inherent and inalienable rights.
- SEC. 2. Natural right to worship.
- SEC. 3. Freedom of religious opinions and rights of conscience.
- SEC. 4. Freedom of religion.
- SEC. 5. Religious test for office.
- SEC. 6. Public money for benefit of religious or theological institutions.
- SEC. 7. Witness competent regardless of religious opinions.
- SEC. 8. Oath or affirmation, administration.
- SEC. 9. Right to free thought, speech, writing and printing; abuse of right.
- SEC. 10. Truth in prosecution for libel.
- SEC. 11. Unreasonable search or seizure; warrant.
- SEC. 12. Courts open; remedy by due course of law; administration of justice.
- SEC. 13. Rights of accused in criminal prosecutions.
- SEC. 14. Double jeopardy and self-incrimination.
- SEC. 15. Persons arrested or confined, treatment.
- SEC. 16. Excessive bail or fines and cruel or unusual punishment.
- SEC. 17. Right to bail and unailable offenses.
- SEC. 18. Penal code founded on reformation.
- SEC. 19. Right of jury to determine law and facts in criminal cases.
- SEC. 20. Trial by jury in civil cases.
- SEC. 21. Right to compensation for services and property.
- SEC. 22. Privileges of debtor; imprisonment for debt.
- SEC. 23. Equal privileges.
- SEC. 24. Ex post facto laws and impairing contracts.
- SEC. 25. Effect of laws.
- SEC. 26. Suspension of operation of law.
- SEC. 27. Suspension of habeas corpus; exception.
- SEC. 28. Treason against state; definition.
- SEC. 29. Treason against state; proof.
- SEC. 30. Conviction; effect.
- SEC. 31. Right to assemble, to instruct and to petition.
- SEC. 32. Bearing arms.
- SEC. 33. Military subordinate to civil power.
- SEC. 34. Quartering of soldiers.
- SEC. 35. Titles of nobility and hereditary distinctions.
- SEC. 36. Freedom of emigration.
- SEC. 37. Slavery and involuntary servitude.

ARTICLE I. [Bill of Rights]

Sec. 1. Inherent and inalienable rights
WE DECLARE, That all men are created equal; that they

are endowed by their *CREATOR* with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the People; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the *People* have, at all times, an indefeasible right to alter and reform their government.

Sec. 2. Natural right to worship

All men shall be secured in the natural right to worship *ALMIGHTY GOD*, according to the dictates of their own consciences.

Sec. 3. Freedom of religious opinions and rights of conscience

No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Sec. 4. Freedom of religion

No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.

Sec. 5. Religious test for office

No religious test shall be required, as a qualification for any office of trust or profit.

Sec. 6. Public money for benefit of religious or theological institutions

No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

Sec. 7. Witness competent regardless of religious opinions

No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Sec. 8. Oath or affirmation, administration

The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

Sec. 9. Right to free thought, speech, writing and printing; abuse of right

No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever: but for the abuse of that right, every person shall be responsible.

THE AMERICAN BENCH—1985/86

INDIANA

Sec. 10. Truth in prosecutions for libel

In all prosecutions for libel the truth of the matters alleged to be libellous, may be given in justification.

Sec. 11. Unreasonable search or seizure; warrant

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Sec. 12. Courts open; remedy by due course of law; administration of justice

All courts shall be open; and every man, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay.

Sec. 13. Rights of accused in criminal prosecutions

In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

Sec. 14. Double jeopardy and self-incrimination

No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

Sec. 15. Persons arrested or confined, treatment

No person arrested, or confined in jail, shall be treated with unnecessary rigor.

Sec. 16. Excessive bail or fines and cruel or unusual punishment

Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

Sec. 17. Right to bail and unbailable offenses

Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong.

Sec. 18. Penal code founded on reformation

The penal code shall be founded on the principles of reformation, and not of vindictive justice.

Sec. 19. Right of jury to determine law and facts in criminal cases

In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

Sec. 20. Trial by jury in civil cases

In all civil cases, the right of trial by jury shall remain inviolate.

Sec. 21. Right to compensation for services and property

No man's particular services shall be demanded, without just compensation. No man's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

Sec. 22. Privileges of debtor; imprisonment for debt

The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale, for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

Sec. 23. Equal privileges

The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.

Sec. 24. Ex post facto laws and impairing contracts

No *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

Sec. 25. Effect of laws

No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

Sec. 26. Suspension of operation of law

The operation of the laws shall never be suspended, except by the authority of the General Assembly.

Sec. 27. Suspension of habeas corpus; exception

The privilege of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion; and then, only if the public safety demand it.

Sec. 28. Treason against state; definition

Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

Sec. 29. Treason against state; proof

No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

Sec. 30. Conviction; effect

No conviction shall work corruption of blood, or forfeiture of estate.

Sec. 31. Right to assemble, to instruct and to petition

No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

Sec. 32. Bearing arms

The people shall have a right to bear arms; for the defense of themselves and the State.

THE AMERICAN BENCH—1985/86

INDIANA

Sec. 33. Military subordinate to civil power

The military shall be kept in strict subordination to the civil power.

Sec. 34. Quartering of soldiers

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Sec. 35. Titles of nobility and hereditary distinctions

The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

Sec. 36. Freedom of emigration

Emigration from the State shall not be prohibited.

Sec. 37. Slavery and involuntary servitude

There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted. No indenture of any Negro or Mulatto, made and executed out of the bounds of the State, shall be valid within the State.

IOWA

ARTICLE I. Bill of Rights

- SEC. 1. Rights of persons
- SEC. 2. Political power
- SEC. 3. Religion
- SEC. 4. Religious test; witnesses
- SEC. 5. Dueling
- SEC. 6. Laws uniform
- SEC. 7. Liberty of speech and press
- SEC. 8. Personal security; searches and seizures
- SEC. 9. Right of trial by jury; due process of law
- SEC. 10. Rights of persons accused
- SEC. 11. When indictment necessary
- SEC. 12. Twice tried; bail
- SEC. 13. Habeas corpus
- SEC. 14. Military
- SEC. 15. Quartering soldiers
- SEC. 16. Treason
- SEC. 17. Bail; punishments
- SEC. 18. Eminent domain
- SEC. 19. Imprisonment for debt
- SEC. 20. Right of assemblage; petition
- SEC. 21. Attainder; ex post facto law; obligation of contract
- SEC. 22. Resident aliens
- SEC. 23. Slavery; penal servitude
- SEC. 24. Agricultural leases
- SEC. 25. Rights reserved

ARTICLE I. Bill of Rights

Sec. 1. [Rights of persons]

All men are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Sec. 2. [Political power]

All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Sec. 3. [Religion]

The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.

Sec. 4. [Religious tests; witnesses]

No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

Sec. 5. [Dueling]

Any citizen of this State who may hereafter be engaged, either directly, or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State.

Sec. 6. [Laws uniform]

All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

Sec. 7. [Liberty of speech & press]

Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as libellous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 8. [Search & seizure]

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Sec. 9. [Jury trial; due process]

The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

THE AMERICAN BENCH—1985/86

IOWA

Sec. 10. [Rights of accused]

In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

Sec. 11. [Indictments]

All offences less than felony and in which the punishment does not exceed a fine of One hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offence, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war of public danger.

The Grand Jury may consist of any number of members not less than five, nor more than fifteen, as the General Assembly may by law provide, or the General Assembly may provide for holding persons to answer for any criminal offense without the intervention of a Grand Jury.

Sec. 12. [Twice tried; bail]

No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable, by sufficient sureties, except for capital offences where the proof is evident, or the presumption great.

Sec. 13. [Habeas corpus]

The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it.

Sec. 14. [Military]

The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

Sec. 15. [Quartering soldiers]

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 16. [Treason]

Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

Sec. 17. [Excessive bail & fines; punishment]

Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

Sec. 18. [Eminent domain]

Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

The General Assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The General Assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.

Sec. 19. [Imprisonment for debt]

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.

Sec. 20. [Right to assemble & petition]

The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives and to petition for a redress of grievances.

Sec. 21. [Attainder; ex post facto law; contracts]

No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Sec. 22. [Resident aliens]

Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native born citizens.

Sec. 23. [Slavery, penal servitude]

There shall be no slavery in the State; nor shall there be involuntary servitude, unless for the punishment of crime.

Sec. 24. [Agricultural leases]

No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.

Sec. 25. [Rights reserved]

This enumeration of rights shall not be construed to impair or deny others, retained by the people.

KANSAS

BILL OF RIGHTS

- SEC. 1. Equal rights
- SEC. 2. Political power; privileges
- SEC. 3. Right of peaceable assembly; petition
- SEC. 4. Bear arms; armies
- SEC. 5. Trial by jury
- SEC. 6. Slavery prohibited
- SEC. 7. Religious liberty
- SEC. 8. Habeas corpus
- SEC. 9. Bail
- SEC. 10. Trial; defense of accused
- SEC. 11. Liberty of press and speech; libel
- SEC. 12. No forfeiture of estate for crimes
- SEC. 13. Treason
- SEC. 14. Soldiers' quarters
- SEC. 15. Search and seizure
- SEC. 16. Imprisonment for debt
- SEC. 17. Property rights of citizens and aliens
- SEC. 18. Justice without delay
- SEC. 19. Emoluments or privileges prohibited
- SEC. 20. Powers retained by people

BILL OF RIGHTS

Sec. 1. Equal rights.

All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

Sec. 2. Political power; privileges.

All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.

Sec. 3. Right of peaceable assembly; petition.

The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.

Sec. 4. Bear arms; armies.

The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.

Sec. 5. Trial by jury.

The right of trial by jury shall be inviolate.

Sec. 6. Slavery prohibited.

There shall be no slavery in this state; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

Sec. 7. Religious liberty.

The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.

Sec. 8. Habeas corpus.

The right to the writ of habeas corpus shall not be suspended, unless the public safety requires it in case of invasion or rebellion.

Sec. 9. Bail.

All persons shall be bailable by sufficient sureties except for capital offenses, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

Sec. 10. Trial; defense of accused.

In all prosecutions, the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face; and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.

Sec. 11. Liberty of press and speech; libel.

The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such right; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.

Sec. 12. No forfeiture of estate for crimes.

No conviction within the state shall work a forfeiture of estate.

THE AMERICAN BENCH—1985/86

KANSAS

Sec. 13. Treason.

Treason shall consist only in levying war against the state, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.

Sec. 14. Soldiers' quarters.

No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.

Sec. 15. Search and seizure.

The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.

Sec. 16. Imprisonment for debt.

No person shall be imprisoned for debt, except in cases of fraud.

Sec. 17. Property rights of citizens and aliens.

No distinction shall ever be made between citizens of the state of Kansas and the citizens of other states and territories of the United States in reference to the purchase, enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent of property may be regulated by law.

Sec. 18. Justice without delay.

All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.

Sec. 19. Emoluments or privileges prohibited.

No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the state.

Sec. 20. Powers retained by people.

This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

KENTUCKY

BILL OF RIGHTS

- SEC. 1. **Rights of life, liberty, worship, pursuit of safety and happiness, free speech, acquiring and protecting property, peaceable assembly, redress of grievances, bearing arms**
- SEC. 2. **Absolute and arbitrary power denied**
- SEC. 3. **Men are equal; no exclusive grant except for public services; property not to be exempted from taxation; grants revocable**
- SEC. 4. **Power inherent in the people; right to alter, reform or abolish government**
- SEC. 5. **Right of religious freedom**
- SEC. 6. **Elections to be free and equal**
- SEC. 7. **Right of trial by jury**
- SEC. 8. **Freedom of speech and of the press**
- SEC. 9. **Truth may be given in evidence in prosecution for publishing matters proper for public information; jury to try law and facts in libel prosecutions**
- SEC. 10. **Security from search and seizure; conditions of issuance of warrant**
- SEC. 11. **Rights of accused in criminal prosecution; change of venue**
- SEC. 12. **Indictable offense not to be prosecuted by information; exceptions**
- SEC. 13. **Double jeopardy; property not to be taken for public use without compensation**
- SEC. 14. **Right of judicial remedy for injury; speedy trial**
- SEC. 15. **Laws to be suspended only by General Assembly**
- SEC. 16. **Right to bail; habeas corpus**
- SEC. 17. **Excessive bail or fine, or cruel punishment, prohibited**
- SEC. 18. **Imprisonment for debt restricted**
- SEC. 19. **Ex post facto law or law impairing obligation of contract forbidden**
- SEC. 20. **Attainder, operation of restricted**
- SEC. 21. **Descent in case of suicide or casualty**
- SEC. 22. **Standing armies restricted; military subordinate to civil; quartering soldiers restricted**
- SEC. 23. **No office of nobility or hereditary distinction, or for longer than a term of years**
- SEC. 24. **Emigration to be free**
- SEC. 25. **Slavery and involuntary servitude forbidden**
- SEC. 26. **General powers subordinate to Bill of Rights; laws contrary thereto are void**

BILL OF RIGHTS

That the great and essential principles of liberty and free government may be recognized and established, we declare that:

Sec. 1. Rights of life, liberty, worship, pursuit of safety and happiness, free speech, acquiring and protecting property, peaceable assembly, redress of grievances, bearing arms.

All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Sec. 2. Absolute and arbitrary power denied.

Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

Sec. 3. Men are equal; no exclusive grant except for public services; property not to be exempted from taxation; grants revocable.

All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution, and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

Sec. 4. Power inherent in the people; right to alter, reform or abolish government.

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform

THE AMERICAN BENCH—1985/86

KENTUCKY

or abolish their government in such manner as they may deem proper.

Sec. 5. Right of religious freedom.

No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

Sec. 6. Elections to be free and equal.

All elections shall be free and equal.

Sec. 7. Right of trial by jury.

The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

Sec. 8. Freedom of speech and of the press.

Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty.

Sec. 9. Truth may be given in evidence in prosecution for publishing matters proper for public information; jury to try law and facts in libel prosecutions.

In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 10. Security from search and seizure; conditions of issuance of warrant.

The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Sec. 11. Rights of accused in criminal prosecution; change of venue.

In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He cannot be compelled to give evidence against himself, nor can he be deprived

of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

Sec. 12. Indictable offense not to be prosecuted by information; exceptions.

No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

Sec. 13. Double jeopardy; property not to be taken for public use without compensation.

No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

Sec. 14. Right of judicial remedy for injury; speedy trial.

All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Sec. 15. Laws to be suspended only by General Assembly.

No power to suspend laws shall be exercised unless by the General Assembly or its authority.

Sec. 16. Right to bail; habeas corpus.

All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

Sec. 17. Excessive bail or fine, or cruel punishment, prohibited.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

Sec. 18. Imprisonment for debt restricted.

The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Sec. 19. Ex post facto law or law impairing obligation of contract forbidden.

No ex post facto law, nor any law impairing the obligation of contracts, shall be enacted.

Sec. 20. Attainder, operation of restricted.

No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption

THE AMERICAN BENCH—1985/86

KENTUCKY

of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

Sec. 21. Descent in case of suicide or casualty.

The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 22. Standing armies restricted; military subordinate to civil; quartering soldiers restricted.

No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, not in time of war, except in a manner prescribed by law.

Sec. 23. No office of nobility or hereditary distinction, or for longer than a term of years.

The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the ap-

pointment of which shall be for a longer time than a term of years.

Sec. 24. Emigration to be free.

Emigration from the State shall not be prohibited.

Sec. 25. Slavery and involuntary servitude forbidden.

Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.

Sec. 26. General powers subordinate to Bill of Rights; laws contrary thereto are void.

To guard against transgression of the high powers which we have delegated, We Declare that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

LOUISIANA

ARTICLE I. Declaration of Rights

- SEC. 1. Origin and Purpose of Government
- SEC. 2. Due Process of Law
- SEC. 3. Right to Individual Dignity
- SEC. 4. Right to Property
- SEC. 5. Right to Privacy
- SEC. 6. Freedom from Intrusion
- SEC. 7. Freedom of Expression
- SEC. 8. Freedom of Religion
- SEC. 9. Right of Assembly and Petition
- SEC. 10. Right to Vote
- SEC. 11. Right to Keep and Bear Arms
- SEC. 12. Freedom from Discrimination
- SEC. 13. Rights of the Accused
- SEC. 14. Right to Preliminary Examination
- SEC. 15. Initiation of Prosecution; Double Jeopardy
- SEC. 16. Right to a Fair Trial
- SEC. 17. Jury Trial in Criminal Cases
- SEC. 18. Right to Bail
- SEC. 19. Right to Judicial Review
- SEC. 20. Right to Humane Treatment
- SEC. 21. Writ of Habeas Corpus
- SEC. 22. Access to Courts
- SEC. 23. Prohibited Laws
- SEC. 24. Unenumerated Rights

ARTICLE I. Declaration of Rights

Sec. 1. Origin and Purpose of Government

All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

Sec. 2. Due Process of Law

No person shall be deprived of life, liberty, or property, except by due process of law.

Sec. 3. Right to Individual Dignity

No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.

Sec. 4. Right to Property

Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction. Personal effects, other than contraband, shall never be taken.

This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

Sec. 5. Right to Privacy

Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

Sec. 6. Freedom from Intrusion

No person shall be quartered in any house without the consent of the owner or lawful occupant.

Sec. 7. Freedom of Expression

No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.

Sec. 8. Freedom of Religion

No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Sec. 9. Right of Assembly and Petition

No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances.

THE AMERICAN BENCH—1985/86

LOUISIANA

Sec. 10. Right to Vote

Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Sec. 11. Right to Keep and Bear Arms

The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Sec. 12. Freedom from Discrimination

In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

Sec. 13. Rights of the Accused

When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

Sec. 14. Right to Preliminary Examination

The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.

Sec. 15. Initiation of Prosecution [; Double Jeopardy]

Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained.

Sec. 16. Right to a Fair Trial

Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf.

Sec. 17. Jury Trial in Criminal Cases

A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom

must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, five of whom must concur to render a verdict. The accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury.

Sec. 18. Right to Bail

Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.

Sec. 19. Right to Judicial Review

No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

Sec. 20. Right to Humane Treatment

No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

Sec. 21. Writ of Habeas Corpus

The writ of habeas corpus shall not be suspended.

Sec. 22. Access to Courts

All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights.

Sec. 23. Prohibited Laws

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

Sec. 24. Unenumerated Rights

The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.

MAINE

ARTICLE I. Declaration of Rights

- SEC. 1. Natural rights.
- SEC. 2. Power inherent in people.
- SEC. 3. Religious freedom; proviso; sects equal; religious tests prohibited; religious teachers.
- SEC. 4. Freedom of speech and publication; libel; truth given in evidence; jury may determine law and fact.
- SEC. 5. Unreasonable searches prohibited.
- SEC. 6. Rights of persons accused.
- SEC. 6A. Discrimination against persons prohibited.
- SEC. 7. No person to answer to certain crimes but on indictment; exceptions; juries.
- SEC. 8. No double jeopardy.
- SEC. 9. Sanguinary laws, excessive bail, cruel or unusual punishments prohibited.
- SEC. 10. Bailable offences; habeas corpus.
- SEC. 11. Attainder, ex post facto and contract-impairment laws prohibited.
- SEC. 12. Treason; testimony of two witnesses.
- SEC. 13. Suspension of laws.
- SEC. 14. Corporal punishment under military law.
- SEC. 15. Right of petition.
- SEC. 16. To keep and bear arms.
- SEC. 17. Standing armies.
- SEC. 18. Quartering of soldiers on citizens.
- SEC. 19. Right of redress for injuries.
- SEC. 20. Trial by jury.
- SEC. 21. Private property, when to be taken.
- SEC. 22. Taxes.
- SEC. 23. Title of nobility prohibited; tenure of offices.
- SEC. 24. Other rights not impaired.

ARTICLE I. Declaration of Rights

Sec. 1. [Natural rights.]

All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Sec. 2. [Power inherent in people.]

All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

Sec. 3. [Religious freedom; Sects equal; Religious tests prohibited; Religious teachers.]

All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship; — and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

Sec. 4. [Freedom of speech and publication; Libel; Truth given in evidence.]

Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

Sec. 5. [Unreasonable searches prohibited.]

The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause — supported by oath or affirmation.

Sec. 6. [Rights of persons accused.]

In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against him;

To have compulsory process for obtaining witnesses in his favor;

THE AMERICAN BENCH—1985/86

MAINE

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or the law of the land.

Sec. 6-A. [Due process; Equal protection; Civil rights.]

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof.

Sec. 7. [No person to answer to certain crimes but on indictment; Exceptions; Juries.]

No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offenses, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

Sec. 8. [No double jeopardy.]

No person, for the same offense, shall be twice put in jeopardy of life or limb.

Sec. 9. [Sanguinary laws, excessive bail, cruel or unusual punishments prohibited.]

Sanguinary laws shall not be passed: all penalties and punishments shall be proportioned to the offence: excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

Sec. 10. [Bailable offences.]

No person before conviction shall be bailable for any of the crimes which now are, or have been denominated capital offences since the adoption of the Constitution, when the proof is evident or the presumption great, whatever the punishment of the crimes may be. And the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 11. [Attainder ex post facto and contract-impairment laws prohibited.]

The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

Sec. 12. [Treason.]

Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 13. [Suspension of laws.]

The laws shall not be suspended but by the Legislature or its authority.

Sec. 14. [Corporal punishment under military law.]

No person shall be subject to corporal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

Sec. 15. [Right of petition.]

The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

Sec. 16. [To keep and bear arms.]

Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.

Sec. 17. [Standing armies.]

No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sec. 18. [Quartering of soldiers on citizens.]

No soldier shall in time of peace be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

Sec. 19. [Right of redress for injuries.]

Every person, for an injury done him in his person, reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Sec. 20. [Trial by jury.]

In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced: the party claiming the right may be heard by himself and his counsel, or either, at his election.

Sec. 21. [Private property, when to be taken.]

Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it.

Sec. 22. [Taxes.]

No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.

Sec. 23. [Title of nobility prohibited; Tenure of offices.]

No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

Sec. 24. [Other rights not impaired.]

The enumeration of certain rights shall not impair nor deny others retained by the people.

MARYLAND

DECLARATION OF RIGHTS

- ART. 1. Origin of government; right to alter
ART. 2. Constitution, laws and treaties of United States to be supreme law of state
ART. 3. Reserved powers of states and people
ART. 4. Exclusive right of people of state to regulate internal government and police ther[e]of
ART. 5. Common law and statutes of England applicable; trial by jury; property derived under charter granted to Lord Baltimore
ART. 6. Legislators and executive officers are trustees of public; right of people to reform or establish new government
ART. 7. Elections to be free and frequent; right of suffrage
ART. 8. Separation of powers
ART. 9. Suspension of laws
ART. 10. Freedom of speech and debate and proceedings in legislature
ART. 11. Meeting place of legislature
ART. 12. Legislature to be frequently convened
ART. 13. Right to petition legislature for redress of grievances
ART. 14. No tax, etc., to be levied without consent of legislature
ART. 15. Poll taxes prohibited; paupers not to be assessed; uniformity of taxation
ART. 16. Sanguinary laws to be avoided; cruel and unusual punishment
ART. 17. Ex post facto laws; retrospective oaths or restrictions
ART. 18. Attainder of treason or felony
ART. 19. Remedy for injury to person or property
ART. 20. Trial of facts where they arise
ART. 21. Rights of accused; indictment; counsel; confrontation; speedy trial; impartial and unanimous jury
ART. 22. Self-incrimination
ART. 23. [Jury trial]
ART. 24. [Judgment of peers; law of land]
ART. 25. Excessive bail, fines and punishment
ART. 26. Warrants
ART. 27. Corruption of blood or forfeiture of estate
ART. 28. Militia
ART. 29. Standing armies
ART. 30. Military power should be subordinate to civil power
ART. 31. Quartering of soldiers
ART. 32. Martial law
ART. 33. Removal of judges; judges not to hold other office, receive fees or perquisites
ART. 34. Rotation in execution department

- ART. 35. Holding more than one office prohibited; persons in public trust not to receive presents from other states, etc.; position of notary not an office of profit
ART. 36. Religious freedom
ART. 37. Religious test as qualification for office; oath of office
ART. 38. [Repealed]
ART. 39. Manner of administering oath or affirmation
ART. 40. Freedom of press and speech
ART. 41. Monopolies
ART. 42. No title of nobility or hereditary honors to be granted
ART. 43. What legislature should encourage; assessment of farm or agricultural land
ART. 44. Constitutions applicable as well in war as in peace
ART. 45. Reservation of rights of people
ART. 46. Equality of rights not abridged because of sex

DECLARATION OF RIGHTS

We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

- Art. 1. [Origin of government; right to alter]
That all Government of right originates from the People, is founded in compact only, and instituted solely for the good of the whole; and they have, at all times, the inalienable right to alter, reform or abolish their Form of Government in such manner as they may deem expedient.
- Art. 2. [U.S. law supreme]
The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.
- Art. 3. [Reserved powers]
The powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

THE AMERICAN BENCH—1985/86

MARYLAND

Art. 4. [Right of people to regulate government]

That the People of this State have the sole and exclusive right of regulating the internal government and police thereof, as a free, sovereign and independent State.

Art. 5. [Common law]

That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First to Cæcilius Calvert, Baron of Baltimore.

Art. 6. [Right to reform or establish new government]

That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Art. 7. [Elections; suffrage]

That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose, elections ought to be free and frequent; and every citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

Art. 8. [Separation of powers]

That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.

Art. 9. [Suspension of laws]

That no power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed.

Art. 10. [Legislative freedom of speech & debate]

That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.

Art. 11. [Meeting place of legislature]

That Annapolis be the place of meeting of the Legislature; and the Legislature ought not to be convened, or held at any other place but from evident necessity.

Art. 12. [Legislature to be frequently convened]

That for redress of grievances, and for amending, strengthening and preserving the Laws, the Legislature ought to be frequently convened.

Art. 13. [Right of petition]

That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.

Art. 14. [No tax, etc., without consent of legislature]

That no aid, charge, tax, burthen or fees ought to be rated or levied, under any pretense, without the consent of the Legislature.

Art. 15. [Poll taxes; paupers; uniform taxation]

That the levying of taxes by the poll is grievous and oppressive, and ought to be prohibited; that paupers ought not to be assessed for the support of the government; that the General Assembly shall, by uniform rules, provide for the separate assessment, classification and sub-classification of land, improvements on land and personal property, as it may deem proper; and all taxes thereafter provided to be levied by the State for the support of the general State Government, and by the Counties and by the City of Baltimore for their respective purposes, shall be uniform within each class or sub-class of land, improvements on land and personal property which the respective taxing powers may have directed to be subjected to the tax levy; yet fines, duties or taxes may properly and justly be imposed, or laid with a political view for the good government and benefit of the community.

Art. 16. [Sanguinary laws; punishments]

That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter.

Art. 17. [Retrospective laws]

That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty; wherefore, no ex post facto Law ought to be made; nor any retrospective oath or restriction be imposed, or required.

Art. 18. [Attainder of treason or felony]

That no Law to attain particular persons of treason or felony, ought to be made in any case, or at any time, hereafter.

Art. 19. [Remedy for injury to person or property]

That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.

MARYLAND

Art. 20. [Trial of facts]

That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the People.

Art. 21. [Rights of accused]

That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the Indictment, or charge, in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Art. 22. [Self-incrimination]

That no man ought to be compelled to give evidence against himself in a criminal case.

Art. 23. [Jury trial]

In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as a fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction.

The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of five hundred dollars, shall be inviolably preserved.

Art. 24. [Judgment of peers; law of the land]

That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.

Art. 25. [Bail; fines; punishment]

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law.

Art. 26. [Warrants]

That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

Art. 27. [Corruption of blood; forfeiture of estate]

That no conviction shall work corruption of blood or forfeiture of estate.

Art. 28. [Militia]

That a well regulated Militia is the proper and natural defence of a free Government.

Art. 29. [Standing armies]

That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

Art. 30. [Military subordinate]

That in all cases, and at all times, the military ought to

be under strict subordination to, and control of, the civil power.

Art. 31. [Quartering soldiers]

That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by Law.

Art. 32. [Martial law]

That no person except regular soldiers, marines, and mariners in the service of this State, or militia, when in actual service, ought, in any case, to be subject to, or punishable by Martial Law.

Art. 33. [Judges]

That the independency and uprightness of Judges are essential to the impartial administration of Justice, and a great security to the rights and liberties of the People: Wherefore, the Judges shall not be removed, except in the manner, and for the causes provided in this Constitution. No Judge shall hold any other office, civil or military, or political trust, or employment of any kind, whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; or receive fees, or perquisites of any kind, for the discharge of his official duties.

Art. 34. [Rotation in execution department]

That a long continuance in the Executive Departments of power of trust is dangerous to liberty; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

Art. 35. [Public officials]

That no person shall hold, at the same time, more than one office of profit, created by the Constitution or Laws of this State; nor shall any person in public trust receive any present from any foreign Prince or State, or from the United States, or any of them, without the approbation of this State. The position of Notary Public shall not be considered an office of profit within the meaning of this Article.

Art. 36. [Religious freedom]

That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion, or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain, any place of worship, or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief; provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor either in this world or in the world to come.

Nothing shall prohibit or require the making reference to belief in, reliance upon, or invoking the aid of God or

THE AMERICAN BENCH—1985/86

MARYLAND

a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place.

Nothing in this article shall constitute an establishment of religion.

Art. 37. [Religious tests; oath of office]

That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

Art. 38. [Repealed]

Art. 39. [Manner of administering oath, etc.]

That the manner of administering an oath or affirmation to any person, ought to be such as those of the religious persuasion, profession, or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.

Art. 40. [Freedom of press and speech]

That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

Art. 41. [Monopolies]

That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

Art. 42. [Titles of nobility; hereditary honors]

That no title of nobility or hereditary honors ought to be granted in this State.

Art. 43. [What Legislature should encourage; assessment of farm land]

That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the People. The Legislature may provide that land actively devoted to farm or agricultural use shall be assessed on the basis of such use and shall not be assessed as if sub-divided.

Art. 44. [Constitutions applicable in war & peace]

That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism.

Art. 45. [Rights reserved]

This enumeration of Rights shall not be construed to impair or deny others retained by the People.

Art. 46. [Sex discrimination]

Equality of rights under the law shall not be abridged or denied because of sex.

MASSACHUSETTS

PART THE FIRST. Declaration of Rights.

- ART. 1.** Equality and natural rights of all people.
- ART. 2.** Right and duty of public religious worship-Protection therein.
- ART. 3.** Religious societies.
- ART. 4.** Right of self-government secured.
- ART. 5.** Accountability of all officers, etc.
- ART. 6.** Services rendered to the public being the only title to peculiar privileges; hereditary offices are absurd and unnatural.
- ART. 7.** Objects of government; right of people to institute and change it.
- ART. 8.** Right of people to secure rotation in office.
- ART. 9.** All, having the qualifications prescribed, equally eligible to office.
- ART. 10.** Right of protection and duty of contribution correlative-Taxation founded on consent — Private property not to be taken for public uses. Exceptions.
- ART. 11.** Remedies, by recourse to the law, to be free, complete and prompt.
- ART. 12.** Prosecutions regulated; Jury trial in criminal cases. Exceptions.
- ART. 13.** Crimes to be proved in the vicinity.
- ART. 14.** Right of search and seizure regulated.
- ART. 15.** Right to trial by jury sacred. Exceptions.
- ART. 16.** Liberty of the press; Freedom of Speech.
- ART. 17.** Right to keep and bear arms — Standing armies dangerous — Military power subordinate to civil.
- ART. 18.** Moral qualifications for office — Moral obligations of lawgivers and magistrates.
- ART. 19.** Right of people to assemble peaceably, to instruct representatives and to petition legislature.
- ART. 20.** Power to suspend the laws, or their execution.
- ART. 21.** Freedom of debate, and reason thereof.
- ART. 22.** Frequent sessions, and objects thereof.
- ART. 23.** No tax without consent.
- ART. 24.** *Ex post facto* laws prohibited.
- ART. 25.** Legislature not to convict of treason, or felony.
- ART. 26.** Excessive bail or fines, and cruel punishments, prohibited; [Capital Punishment].
- ART. 27.** No soldier to be quartered in any house. Exceptions.
- ART. 28.** Citizens exempt from law-martial. Exceptions.
- ART. 29.** Judges of supreme judicial court — Tenure — Salaries.

- ART. 30.** Separation of executive, judicial, and legislative departments.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OF MASSACHUSETTS

Art. I. [Equality and natural rights of all people.]

All people are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.

Art. II. [Right and duty of public religious worship. Protection therein.]

It is the right as well as the Duty of all men in society, publickly (sic), and at stated seasons to worship the SUPREME BEING, the great Creator and preserver of the Universe. And no Subject shall be hurt, molested, or restrained, in his person, Liberty, or Estate, for worshipping GOD in the manner and season most agreeable to the Dictates of his own conscience, or for his religious profession or sentiments; provided he doth not Disturb the public peace, or obstruct others in their religious Worship.

Art. III. [Religious societies.]

As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people and the security of a Republican Government; — Therefore, the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses: And all persons belonging to any religious society shall be taken and held to be members, until they shall file with the Clerk of such Society, a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract, which may be thereafter made, or entered into by such society: — And all religious sects and denominations demeaning themselves peaceably and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

THE AMERICAN BENCH—1985/86

MASSACHUSETTS

Art. IV. [Right of self government secured.]

The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America in Congress assembled.

Art. V. [Accountability of all officers, etc.]

All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Art. VI. [Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.]

No man, nor Corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the Community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible [sic] to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Art. VII. [Objects of government; right of people to institute and change it.]

Government is instituted for the Common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family or Class of men: Therefore the people alone have an incontestible (sic), unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

Art. VIII. [Right of people to secure rotation in office.]

In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

Art. IX. [All, having the qualifications prescribed, equally eligible to office.]

All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Art. X. [Right of protection and duty of contribution correlative. Taxation founded on consent. Private property not to be taken for public uses.]

Each individual of the society has a right to be protected by it in the enjoyment of his life, Liberty and property, according to standing Laws. He is obliged, Consequently, to contribute his share to the expence of this protection;

to give his personal service, or an equivalent, when necessary: But no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controulable (sic) by any other Laws then those to which their Constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Art. XI. [Legal remedy guaranteed.]

Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely (sic), and without any denial; promptly, and without delay; conformably to the laws.

Art. XII. [Prosecutions regulated; law of land; jury trial.]

No subject shall be held to answer for any Crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be Compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favourable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his council, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the Land. And the legislature shall not make any law, that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Art. XIII. [Crimes to be proved in the vicinity.]

In criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Art. XIV. [Right of search and seizure regulated.]

Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil Officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Art. XV. [Right to trial by jury sacred.]

In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practiced, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising

THE AMERICAN BENCH—1985/86

MASSACHUSETTS

on the high-seas, and such as relate to mariners wages, the legislature shall hereafter find it necessary to alter it.

Art. XVI. [Freedom of press & speech.]

The liberty of the press is essential to the security of freedom in a state; it ought not, therefore, to be restrained in this Commonwealth. The right of free speech shall not be abridged.

Art. XVII. [Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.]

The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the Legislature; and the military power shall always be held in an exact subordination to the Civil authority, and be governed by it.

Art. XVIII. [Moral qualifications for office.]

A frequent recurrence to the fundamental principles of the constitution, and a constant adherence (sic) to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their Officers and Representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Art. XIX. [Right of people to instruct representatives and petition legislature.]

The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good: give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Art. XX. [Power to suspend the laws or their execution.]

The power of suspending the Laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Art. XXI. [Freedom of debate. The reason thereof.]

The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Art. XXII. [Frequent sessions, and objects thereof.]

The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Art. XXIII. [Taxation founded on consent.]

No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their Representatives in the legislature.

Art. XXIV. [Ex post facto laws prohibited.]

Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Art. XXV. [Legislature not to convict of treason or felony.]

No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Art. XXVI. [Excessive bail or fines, and cruel punishments prohibited; capital punishment.]

No magistrate or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual Punishments. No provision of the Constitution, however, shall be construed as prohibiting the imposition of the punishment of death. The general court may, for the purpose of protecting the general welfare of the citizens, authorize the imposition of the punishment of death by the courts of law having jurisdiction of crimes subject to the punishment of death.

Art. XXVII. [Quartering soldiers.]

In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of War, such Quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Art. XXVIII. [Martial law.]

No person can in any case be subjected to law martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Art. XXIX. [Judges of supreme judicial court.]

It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every Citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial Court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Art. XXX. [Separation of powers.]

In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

MICHIGAN

ARTICLE I. Declaration of Rights

- SEC. 1. Political power
- SEC. 2. Equal protection; discrimination
- SEC. 3. Assembly, consultation, instruction, petition
- SEC. 4. Freedom of worship and religious belief; appropriations
- SEC. 5. Freedom of speech and press
- SEC. 6. Bearing of arms
- SEC. 7. Military power subordinate to civil power
- SEC. 8. Quartering of soldiers
- SEC. 9. Slavery and involuntary servitude
- SEC. 10. Attainder; ex post facto laws; impairment of contracts
- SEC. 11. Searches and seizures
- SEC. 12. Habeas corpus
- SEC. 13. Conduct of suits in person or by counsel
- SEC. 14. Jury trials
- SEC. 15. Double jeopardy; bailable offenses; commencement of trial if bail denied; bail hearing; effective date
- SEC. 16. Bail; fines; punishments; detention of witnesses
- SEC. 17. Self-incrimination; due process of law; fair treatment at investigations
- SEC. 18. Witnesses; competency, religious beliefs
- SEC. 19. Libels, truth as defense
- SEC. 20. Accused, rights in criminal prosecutions
- SEC. 21. Imprisonment for debt
- SEC. 22. Treason; definition, evidence
- SEC. 23. Enumeration of rights not to deny others

ARTICLE I. Declaration of Rights

Sec. 1. Political power.

All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. Equal protection; discrimination.

No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. Assembly, consultation, instruction, petition.

The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Freedom of worship and religious belief; appropriations.

Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Freedom of speech and of press.

Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 6. Bearing of arms.

Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. Military power subordinate to civil power.

The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. Quartering of soldiers.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Slavery and involuntary servitude.

Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. Attainder; ex post facto laws; impairment of contracts.

No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. Searches and seizures.

The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous

THE AMERICAN BENCH—1985/86

MICHIGAN

weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. Habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. Conduct of suits in person or by counsel.

A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. Jury trials.

The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. Double jeopardy; bailable offenses; commencement of trial if bail denied; bail hearing; effective date.

No person shall be subject for the same offense to twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except that bail may be denied for the following persons when the proof is evident or the presumption great:

(a) A person who, within the 15 years immediately preceding a motion for bail pending the disposition of an indictment for a violent felony or of an arraignment on a warrant charging a violent felony, has been convicted of 2 or more violent felonies under the laws of this state or under substantially similar laws of the United States or another state, or a combination thereof, only if the prior felony convictions arose out of at least 2 separate incidents, events, or transactions.

(b) A person who is indicted for, or arraigned on a warrant charging, murder or treason.

(c) A person who is indicted for, or arraigned on a warrant charging, criminal sexual conduct in the first degree, armed robbery, or kidnapping with intent to extort money or other valuable thing thereby, unless the court finds by clear and convincing evidence that the defendant is not likely to flee or present a danger to any other person.

(d) A person who is indicted for, or arraigned on a warrant charging, a violent felony which is alleged to have been committed while the person was on bail, pending the disposition of a prior violent felony charge or while the person was on probation or parole as a result of a prior conviction for a violent felony.

If a person is denied admission to bail under this section, the trial of the person shall be commenced not more than 90 days after the date on which admission to bail is denied. If the trial is not commenced within 90 days after the date on which admission to bail is denied and the delay is not attributable to the defense, the court shall immediately schedule a bail hearing and shall set the amount of bail for the person.

As used in this section, "violent felony" means a felony, an element of which involves a violent act or threat

of a violent act against any other person.

This section, as amended, shall not take effect until May 1, 1979.

Sec. 16. Bail; fines; punishments; detention of witnesses.

Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. Self-incrimination; due process of law; fair treatment at investigations.

No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. Witnesses; competency, religious beliefs.

No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. Libels, truth as defense.

In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives, and for justifiable ends, the accused shall be acquitted.

Sec. 20. Accused rights in criminal prosecutions.

In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in prosecutions for misdemeanors punishable by imprisonment for not more than 1 year; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and as provided by law, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. Imprisonment for debt.

No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason; definition, evidence.

Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. Enumeration of rights not to deny others.

The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

MINNESOTA

ARTICLE I. Bill of Rights

- SEC. 1. Object of government.**
SEC. 2. Rights and privileges.
SEC. 3. Liberty of the press.
SEC. 4. Trial by jury.
SEC. 5. No excessive bail or unusual punishments.
SEC. 6. Rights of accused in criminal prosecutions.
SEC. 7. Due process; prosecutions; double jeopardy; self-incrimination; bail; habeas corpus.
SEC. 8. Redress of injuries or wrongs.
SEC. 9. Treason defined.
SEC. 10. Unreasonable searches and seizures prohibited.
SEC. 11. Attainders, ex post facto laws and laws impairing contracts prohibited.
SEC. 12. Impairment for debt; property exemption.
SEC. 13. Private property for public use.
SEC. 14. Military power subordinate.
SEC. 15. Lands allodial; void agricultural leases.
SEC. 16. Freedom of conscience; no preference to be given to any religious establishment or mode of worship.
SEC. 17. Religious tests and property qualifications prohibited.

ARTICLE I. Bill of Rights

Sec. 1. Object of government.

Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good.

Sec. 2. Rights and privileges.

No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.

Sec. 3. Liberty of the press.

The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

Sec. 4. Trial by jury.

The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in

controversy. A jury trial may be waived by the parties in all cases in the manner prescribed by law. The legislature may provide that the agreement of five-sixths of a jury in a civil action or proceeding, after not less than six hours' deliberation, is a sufficient verdict.

Sec. 5. No excessive bail or unusual punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 6. Rights of accused in criminal prosecutions.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law. The accused shall enjoy the right to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel in his defense.

Sec. 7. Due process; prosecutions; double jeopardy; self-incrimination; bail; habeas corpus.

No person shall be held to answer for a criminal offense without due process of law, and no person shall be put twice in jeopardy of punishment for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons before conviction shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended unless the public safety requires it in case of rebellion or invasion.

Sec. 8. Redress of injuries or wrongs.

Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive to his person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws.

Sec. 9. Treason defined.

Treason against the state consists only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 10. Unreasonable searches and seizures prohibited.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches

THE AMERICAN BENCH—1985/86

MINNESOTA

and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

Sec. 11. Attainders, ex post facto laws and laws impairing contracts prohibited.

No bill of attainder, ex post facto law, or any law impairing the obligation of contracts shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 12. Imprisonment for debt; property exemption.

No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law. Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same, and provided further, that such liability to seizure and sale shall also extend to all real property for any debt to any laborer or servant for labor or service performed.

Sec. 13. Private property for public use.

Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.

Sec. 14. Military power subordinate.

The military shall be subordinate to the civil power and

no standing army shall be maintained in this state in times of peace.

Sec. 15. Lands allodial; void agricultural leases.

All lands within the state are allodial and feudal tenures of every description with all their incidents are prohibited. Leases and grants of agricultural lands for a longer period than 21 years reserving rent or service of any kind shall be void.

Sec. 16. Freedom of conscience; no preference to be given to any religious establishment or mode of worship.

The enumeration of rights in this constitution shall not deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies or religious or theological seminaries.

Sec. 17. Religious tests and property qualifications prohibited.

No religious test or amount of property shall be required as a qualification for any office of public trust in the state. No religious test or amount of property shall be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

MISSISSIPPI

ARTICLE 3. Bill of Rights

- SEC. 5. Power vested in and derived from people
- SEC. 6. Popular control of form of government
- SEC. 7. Secession; paramount allegiance of citizen to federal government
- SEC. 8. State citizenship
- SEC. 9. Military subordinate to civil power
- SEC. 10. Treason
- SEC. 11. Right of assembly
- SEC. 12. Right to keep and bear arms
- SEC. 13. Freedom of speech and press; libel
- SEC. 14. Due process
- SEC. 15. Slavery
- SEC. 16. Ex post facto laws; laws impairing obligation of contracts
- SEC. 17. Eminent domain
- SEC. 18. Freedom of religion
- SEC. 19. Repealed, 1978
- SEC. 20. Terms of office
- SEC. 21. Habeas corpus
- SEC. 22. Double jeopardy
- SEC. 23. Searches [or] seizures
- SEC. 24. Judicial remedies
- SEC. 25. Right to prosecute and defend civil actions
- SEC. 26. Rights of accused in criminal prosecution
- SEC. 27. Indictment
- SEC. 28. Cruel or unusual punishment; excessive fines
- SEC. 29. Bail
- SEC. 30. Imprisonment for debt prohibited
- SEC. 31. Jury trial
- SEC. 32. Inherent rights of people

ARTICLE 3. Bill of Rights

Sec. 5. [Political Power in People]
All political power is vested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 6. [Popular Control of Government]
The people of this state have the inherent, sole, and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they deem it necessary to their safety and happiness; Provided, such change be not repugnant to the constitution of the United States.

Sec. 7. [Secession; Allegiance to Federal Government]
The right to withdraw from the Federal Union on account of any real or supposed grievance, shall never be assumed

by this state, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this state to the government of the United States.

Sec. 8. [Citizens]
All persons, resident in this state, citizens of the United States, are hereby declared citizens of the state of Mississippi.

Sec. 9. [Military Subordinate]
The military shall be in strict subordination to the civil power.

Sec. 10. [Treason]
Treason against the state shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 11. [Right of Assembly and Petition]
The right of the people peaceably to assemble and petition the government on any subject shall never be impaired.

Sec. 12. [Right to Keep and Bear Arms]
The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.

Sec. 13. [Freedom of Speech and Press]
The freedom of speech and of the press shall be held sacred; and in all prosecutions for libel the truth may be given in evidence, and the jury shall determine the law and the facts under the direction of the court; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 14. [Due Process]
No person shall be deprived of life, liberty, or property except by due process of law.

Sec. 15. [Slavery; Involuntary Servitude]
There shall be neither slavery nor involuntary servitude in this state, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Sec. 16. [Ex post facto laws; Impairing Obligation of Contracts]
Ex post facto laws, or laws impairing the obligation of contracts, shall not be passed.

THE AMERICAN BENCH—1985/86

MISSISSIPPI

Sec. 17. [Eminent Domain]

Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public.

Sec. 18. [Freedom of Religion]

No religious test as a qualification for office shall be required; and no preference shall be given by law to any religious sect or mode of worship; but the free enjoyment of all religious sentiments and the different modes of worship shall be held sacred. The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the state, or to exclude the Holy Bible from use in any public school of this state.

Sec. 19. [Repealed.]

Sec. 20. [Terms of Office]

No person shall be elected or appointed to office in this state for life or during good behavior, but the term of all officers shall be for some specified period.

Sec. 21. [Habeas Corpus]

The privilege of the writ of habeas corpus shall not be suspended, unless when in the case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.

Sec. 22. [Double Jeopardy]

No person's life or liberty shall be twice placed in jeopardy for the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

Sec. 23. [Search or Seizure]

The people shall be secure in their persons, houses, and possessions, from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized.

Sec. 24. [Right to Legal Remedy]

All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice shall be administered without sale, denial, or delay.

Sec. 25. [Right to Prosecute and Defend Civil Actions]

No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before

any tribunal in the state, by him or herself, or counsel, or both.

Sec. 26. [Rights of Accused]

In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment of information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy or the crime against nature the court may, in its discretion, exclude from the courtroom all persons except such as are necessary in the conduct of the trial.

Sec. 27. [Indictment]

No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the military when in actual service, or by leave of the court for misdemeanor in office or where a defendant represented by counsel by sworn statement waives indictment; but the legislature, in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justice court judges, or such other inferior court or courts as may be established, and the proceedings in such cases shall be regulated by law.

Sec. 28. [Punishments and Fines]

Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.

Sec. 29. [Bail]

Excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

Sec. 30. [Imprisonment for Debt]

There shall be no imprisonment for debt.

Sec. 31. [Right to Jury Trial]

The right of trial by jury shall remain inviolate, but the legislature may, by enactment, provide that in all civil suits tried in the circuit and chancery court, nine or more jurors may agree on the verdict and return it as the verdict of the jury.

Sec. 32. [Rights Retained]

The enumeration of rights in this constitution shall not be construed to deny and impair others retained by, and inherent in, the people.

MISSOURI

ARTICLE I. Bill of Rights

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare:

- SEC. 1. **Source of political power — origin, basis and aim of government.**
- SEC. 2. **Promotion of general welfare — natural rights of persons — equality under the law — purpose of government.**
- SEC. 3. **Powers of the people over internal affairs, constitution, and form of government.**
- SEC. 4. **Independence of Missouri — submission of certain amendments to Constitution of the United States.**
- SEC. 5. **Religious freedom — liberty of conscience and belief — limitations.**
- SEC. 6. **Practice and support of religion not compulsory — contracts therefore enforceable.**
- SEC. 7. **Public aid for religious purposes — preferences and discriminations on religious grounds.**
- SEC. 8. **Freedom of speech — evidence of truth in defamation actions — province of jury.**
- SEC. 9. **Rights of peaceable assembly and petition.**
- SEC. 10. **Due process of law.**
- SEC. 11. **Imprisonment for debt.**
- SEC. 12. **Habeas corpus.**
- SEC. 13. **Ex post facto laws — impairment of contracts- irrevocable privileges.**
- SEC. 14. **Open courts — certain remedies — justice without sale, denial or delay.**
- SEC. 15. **Unreasonable search and seizure prohibited — contents and basis of warrants.**
- SEC. 16. **Grand juries — composition — jurisdiction to convene — powers.**
- SEC. 17. **Indictments and informations in criminal cases — exceptions.**
- SEC. 18(a). **Rights of accused in criminal prosecutions.**
- SEC. 18(b). **Depositions in felony cases.**
- SEC. 19. **Self-incrimination and double jeopardy.**
- SEC. 20. **Bail guaranteed — exceptions.**
- SEC. 21. **Excessive bail and fines — cruel and unusual punishment.**
- SEC. 22(a). **Right of trial by jury — qualifications of jurors — two-thirds verdicts.**
- SEC. 22(b). **Female jurors — optional exemption.**
- SEC. 23. **Right to keep and bear arms — exception.**
- SEC. 24. **Subordination of military to civil power — quartering soldiers.**
- SEC. 25. **Elections and right of suffrage.**
- SEC. 26. **Compensation for property taken by eminent domain — condemnation juries — payment — railroad property.**
- SEC. 27. **Acquisition of excess property by eminent domain — disposition under restrictions.**
- SEC. 28. **Limitation on taking of private property for private use — exceptions — public use a judicial question.**
- SEC. 29. **Organized labor and collective bargaining.**
- SEC. 30. **Treason — attainder — corruption of blood and forfeitures — estates of suicides — death by casualty.**
- SEC. 31. **Fines or imprisonments fixed by administrative agencies.**

Sec. 1. Source of political power — origin, basis and aim of government.

That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 2. Promotion of general welfare — natural rights of persons — equality under the law — purpose of government.

That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are created equal and are entitled to equal rights and opportunity under the law; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails in its chief design.

Sec. 3. Powers of the people over internal affairs, constitution and form of government.

That the people of this state have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the Constitution of the United States.

THE AMERICAN BENCH—1985/86

MISSOURI

Sec. 4. Independence of Missouri — submission of certain amendments to Constitution of the United States.

That Missouri is a free and independent state, subject only to the Constitution of the United States; that all proposed amendments to the Constitution of the United States qualifying or affecting the individual liberties of the people or which in anywise may impair the right of local self-government belonging to the people of this state, should be submitted to conventions of the people.

Sec. 5. Religious freedom — liberty of conscience and belief — limitations.

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no human authority can control or interfere with the rights of conscience; that no person shall, on account of his religious persuasion or belief, be rendered ineligible to any public office of trust or profit in this state, be disqualified from testifying or serving as a juror, or be molested in his person or estate; but this section shall not be construed to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the state, or with the rights of others.

Sec. 6. Practice and support of religion not compulsory — contracts therefor enforceable.

That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

Sec. 7. Public aid for religious purposes — preferences and discriminations on religious grounds.

That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.

Sec. 8. Freedom of speech — evidence of truth in defamation actions — province of jury.

That no law shall be passed impairing the freedom of speech, no matter by what means communicated; that every person shall be free to say, write or publish, or otherwise communicate whatever he will on any subject, being responsible for all abuses of that liberty; and that in all suits and prosecutions for libel or slander the truth thereof may be given in evidence; and in suits and prosecutions for libel the jury, under the direction of the court, shall determine the law and the facts.

Sec. 9. Rights of peaceable assembly and petition.

That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

Sec. 10. Due process of law.

That no person shall be deprived of life, liberty or property without due process of law.

Sec. 11. Imprisonment for debt.

That no person shall be imprisoned for debt, except for nonpayment of fines and penalties imposed by law.

Sec. 12. Habeas corpus.

That the privilege of the writ of habeas corpus shall never be suspended.

Sec. 13. Ex post facto laws — impairment of contracts — irrevocable privileges.

That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be enacted.

Sec. 14. Open courts — certain remedies — justice without sale, denial or delay.

That the courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.

Sec. 15. Unreasonable search and seizure prohibited — contents and basis of warrants.

That the people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by written oath or affirmation.

Sec. 16. Grand juries — composition — jurisdiction to convene — powers.

That a grand jury shall consist of twelve citizens, any nine of whom concurring may find an indictment or a true bill: Provided, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies; but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime; and that the power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith, shall never be suspended.

Sec. 17. Indictments and informations in criminal cases — exceptions.

That no person shall be prosecuted criminally for felony or misdemeanor otherwise than by indictment or information, which shall be concurrent remedies, but this shall not be applied to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger, nor to prevent arrests and preliminary examination in any criminal case.

Sec. 18(a). Rights of accused in criminal prosecutions.

That in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

THE AMERICAN BENCH—1985/86

MISSOURI

Sec. 18(b). Depositions in felony cases.

Upon a hearing and finding by the circuit court in any case wherein the accused is charged with a felony, that it is necessary to take the deposition of any witness within the state, other than defendant and spouse, in order to preserve the testimony, and on condition that the court make such orders as will fully protect the rights of personal confrontation and cross-examination of the witness by defendant, the state may take the deposition of such witness and either party may use the same at the trial, as in civil cases, provided there has been substantial compliance with such orders. The reasonable personal and traveling expenses of defendant and his counsel shall be paid by the state or county as provided by law.

Sec. 19. Self incrimination and double jeopardy.

That no person shall be compelled to testify against himself in a criminal cause, nor shall any person be put again in jeopardy of life or liberty for the same offense, after being once acquitted by a jury; but if the jury fail to render a verdict the court may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the same or next term of court; and if judgment be arrested after a verdict of guilty on a defective indictment or information, or if judgment on a verdict of guilty be reversed for error in law, the prisoner may be tried anew on a proper indictment or information, or according to the law.

Sec. 20. Bail guaranteed — exceptions.

That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Sec. 21. Excessive bail and fines — cruel and unusual punishment.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 22(a). Right of trial by jury — qualifications of jurors — two-thirds verdicts.

That the right of trial by jury as heretofore enjoyed shall remain inviolate: Provided, that a jury for the trial of criminal and civil cases in courts not of record may consist of less than twelve citizens as may be prescribed by law, and a two-thirds majority of such number concurring may render a verdict in all civil cases; that in all civil cases in courts of record, three-fourths of the members of the jury concurring may render a verdict; and that in every criminal case any defendant may, with the assent of the court, waive a jury trial and submit the trial of such case to the court, whose finding shall have the force and effect of a verdict of a jury.

Sec. 22(b). Female jurors — optional exemption.

No citizen shall be disqualified from jury service because of sex, but the court shall excuse any woman who requests exemption therefrom before being sworn as a juror.

Sec. 23. Right to keep and bear arms — exception.

That the right of every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned; but this shall not justify the wearing of concealed weapons.

Sec. 24. Subordination of military to civil power — quartering soldiers.

That the military shall be always in strict subordination to the civil power; that no soldier shall be quartered in any house without the consent of the owner in time of peace, nor in time of war, except as prescribed by law.

Sec. 25. Elections and right of suffrage.

That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 26. Compensation for property taken by eminent domain — condemnation juries — payment — railroad property.

That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be provided by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad purposes without consent of the owner thereof shall remain in such owner subject to the use for which it is taken.

Sec. 27. Acquisition of excess property by eminent domain — disposition under restrictions.

That in such manner and under such limitations as may be provided by law, the state, or any county or city may acquire by eminent domain such property, or rights in property, in excess of that actually to be occupied by the public improvement or used in connection therewith, as may be reasonably necessary to effectuate the purposes intended, and may be vested with the fee simple title thereto, or the control of the use thereof, and may sell such excess property with such restrictions as shall be appropriate to preserve the improvements made.

Sec. 28. Limitation on taking of private property for private use — exceptions — public use a judicial question.

That private property shall not be taken for private use with or without compensation, unless by consent of the owner, except for private ways of necessity, and except for drains and ditches across the land of others for agricultural and sanitary purposes, in the manner prescribed by law; and that when an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be judicially determined without regard to any legislative declaration that the use is public.

Sec. 29. Organized labor and collective bargaining.

That employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

Sec. 30. Treason — attainder — corruption of blood and forfeitures — estates of suicides — death by casualty.

That treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person

THE AMERICAN BENCH—1985/86

MISSOURI

can be attained of treason or felony by the general assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 31. Fines or imprisonments fixed by administrative agencies.

That no law shall delegate to any commission, bureau, board or other administrative agency authority to make any rule fixing a fine or imprisonment as punishment for its violation.

THE AMERICAN BENCH—1985/86

MISSOURI

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MONTANA

ARTICLE II. Declaration of Rights

- SEC. 1. Popular sovereignty
- SEC. 2. Self-government
- SEC. 3. Inalienable rights
- SEC. 4. Individual dignity
- SEC. 5. Freedom of religion
- SEC. 6. Freedom of assembly
- SEC. 7. Freedom of speech, expression, and press
- SEC. 8. Right of participation
- SEC. 9. Right to know
- SEC. 10. Right of privacy
- SEC. 11. Searches and seizures
- SEC. 12. Right to bear arms
- SEC. 13. Right of suffrage
- SEC. 14. Adult rights
- SEC. 15. Rights of persons not adults
- SEC. 16. The administration of justice
- SEC. 17. Due process of law
- SEC. 18. State subject to suit
- SEC. 19. Habeas corpus
- SEC. 20. Initiation of proceedings
- SEC. 21. Bail
- SEC. 22. Excessive sanctions
- SEC. 23. Detention
- SEC. 24. Rights of the accused
- SEC. 25. Self-incrimination and double jeopardy
- SEC. 26. Trial by jury
- SEC. 27. Imprisonment for debt
- SEC. 28. Rights of the convicted
- SEC. 29. Eminent domain
- SEC. 30. Treason and descent of estates
- SEC. 31. Ex post facto, obligation of contracts, and irrevocable privileges
- SEC. 32. Civilian control of the military
- SEC. 33. Importation of armed persons
- SEC. 34. Unenumerated rights
- SEC. 35. Servicemen, servicewomen, and veterans

ARTICLE II. Declaration of Rights

Sec. 1. Popular sovereignty.

All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 2. Self-government.

The people have the exclusive right of governing themselves as a free, sovereign, and independent state. They may alter or abolish the constitution and form of government whenever they deem it necessary.

Sec. 3. Inalienable rights.

All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Sec. 4. Individual dignity.

The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

Sec. 5. Freedom of religion.

The state shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Sec. 6. Freedom of assembly.

The people shall have the right peaceably to assemble, petition for redress or peaceably protest governmental action.

Sec. 7. Freedom of speech, expression, and press.

No law shall be passed impairing the freedom of speech or expression. Every person shall be free to speak or publish whatever he will on any subject, being responsible for all abuse of that liberty. In all suits and prosecutions for libel or slander the truth thereof may be given in evidence; and the jury, under the direction of the court, shall determine the law and the facts.

Sec. 8. Right of participation.

The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

Sec. 9. Right to know.

No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Sec. 10. Right of privacy.

The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.

THE AMERICAN BENCH—1985/86

MONTANA

Sec. 11. Searches and seizures.

The people shall be secure in their persons, papers, homes and effects from unreasonable searches and seizures. No warrant to search any place, or seize any person or thing shall issue without describing the place to be searched or the person or thing to be seized, or without probable cause, supported by oath or affirmation reduced to writing.

Sec. 12. Right to bear arms.

The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

Sec. 13. Right of suffrage.

All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 14. Adult rights.

A person 18 years of age or older is an adult for all purposes, except that the legislature or the people by initiative may establish an age of not more than 19 as the legal age for consuming or possessing alcoholic beverages.

Sec. 15. Rights of persons not adults.

The rights of persons under 18 years of age shall include, but not be limited to, all the fundamental rights of this Article unless specifically precluded by laws which enhance the protection of such persons.

Sec. 16. The administration of justice.

Courts of justice shall be open to every person, and speedy remedy afforded for every injury of person, property, or character. No person shall be deprived of this full legal redress for injury incurred in employment for which another person may be liable except as to fellow employees and his immediate employer who hired him if such immediate employer provides coverage under the Workmen's Compensation Laws of this state. Right and justice shall be administered without sale, denial, or delay.

Sec. 17. Due process of law.

No person shall be deprived of life, liberty, or property without due process of law.

Sec. 18. State subject to suit.

The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property, except as may be specifically provided by law by a 2/3 vote of each house of the legislature.

Sec. 19. Habeas corpus.

The privilege of the writ of habeas corpus shall never be suspended.

Sec. 20. Initiation of proceedings.

(1) Criminal offenses within the jurisdiction of any court inferior to the district court shall be prosecuted by complaint. All criminal actions in district court, except those on appeal, shall be prosecuted either by information, after examination and commitment by a magistrate or after leave granted by the court, or by indictment without such

examination, commitment or leave.

(2) A grand jury shall consist of eleven persons, of whom eight must concur to find an indictment. A grand jury shall be drawn and summoned only at the discretion and order of the district judge.

Sec. 21. Bail.

All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Sec. 22. Excessive sanctions.

Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishments inflicted.

Sec. 23. Detention.

No person shall be imprisoned for the purpose of securing his testimony in any criminal proceeding longer than may be necessary in order to take his deposition. If he can give security for his appearance at the time of trial, he shall be discharged upon giving the same; if he cannot give security, his deposition shall be taken in the manner provided by law, and in the presence of the accused and his counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof.

Sec. 24. Rights of the accused.

In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the state to have a change of venue for any of the causes for which the defendant may obtain the same.

Sec. 25. Self-incrimination and double jeopardy.

No person shall be compelled to testify against himself in a criminal proceeding. No person shall be again put in jeopardy for the same offense previously tried in any jurisdiction.

Sec. 26. Trial by jury.

The right of trial by jury is secured to all and shall remain inviolate. But upon default of appearance or by consent of the parties expressed in such manner as the law may provide, all cases may be tried without a jury or before fewer than the number of jurors provided by law. In all civil actions, two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as if all had concurred therein. In all criminal actions, the verdict shall be unanimous.

Sec. 27. Imprisonment for debt.

No person shall be imprisoned for debt except in the manner provided by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.

Sec. 28. Rights of the convicted.

Laws for the punishment of crime shall be founded on the principles of prevention and reformation. Full rights are

THE AMERICAN BENCH—1985/86

MONTANA

restored by termination of state supervision for any offense against the state.

Sec. 29. Eminent domain.

Private property shall not be taken or damaged for public use without just compensation to the full extent of the loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when the private property owner prevails.

Sec. 30. Treason and descent of estates.

Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the legislature; no conviction shall cause the loss of property to the relatives or heirs of the convicted. The estates of suicides shall descend or vest as in cases of natural death.

Sec. 31. Ex post facto, obligation of contracts, and irrevocable privileges.

No ex post facto law nor any law impairing the obligation of contracts, or making any irrevocable grant of special

privileges, franchises, or immunities, shall be passed by the legislature.

Sec. 32. Civilian control of the military.

The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner provided by law.

Sec. 33. Importation of armed persons.

No armed person or persons or armed body of men shall be brought into this state for the preservation of the peace, or the suppression of domestic violence, except upon the application of the legislature, or of the governor when the legislature cannot be convened.

Sec. 34. Unenumerated rights.

The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

Sec. 35. Servicemen, servicewomen, and veterans.

The people declare that Montana servicemen, servicewomen and veterans may be given special considerations determined by the legislature.

NEBRASKA

ARTICLE I. Bill of Rights

- SEC. 1. Equal rights
- SEC. 2. Slavery prohibited
- SEC. 3. Due process of law
- SEC. 4. Religious freedom
- SEC. 5. Freedom of speech and press
- SEC. 6. Trial by jury
- SEC. 7. Search and seizure
- SEC. 8. Habeas corpus
- SEC. 9. Bail; [punishments]
- SEC. 10. Presentment or indictment by grand jury; information
- SEC. 11. Rights of accused
- SEC. 12. Evidence against self; double jeopardy
- SEC. 13. Justice administered without delay; [right to legal remedy]
- SEC. 14. Treason
- SEC. 15. Penalties; corruption of blood; transporting out of state prohibited
- SEC. 16. Bill of attainder; retroactive laws; special privileges; [obligation of contracts]
- SEC. 17. Military subordinate
- SEC. 18. Soldiers' quarters
- SEC. 19. Right of peaceable assembly, and petition
- SEC. 20. Imprisonment for debt prohibited
- SEC. 21. Private property compensated for
- SEC. 22. Elections to be free
- SEC. 23. Writ of error; supersedeas in capital cases
- SEC. 24. Appeals; civil cases
- SEC. 25. Rights of property; no discrimination; aliens
- SEC. 26. [Rights and] powers retained by people
- SEC. 27. English language to be official

ARTICLE I. Bill of Rights

Sec. 1. [Inalienable Rights; Object of Government]

All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Sec. 2. [Slavery; Involuntary Servitude]

There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.

Sec. 3. [Due Process]

No person shall be deprived of life, liberty, or property, without due process of law.

Sec. 4. [Religious Freedom]

All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Sec. 5. [Freedom to Speak, Write and Publish]

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth when published with good motives, and for justifiable ends, shall be a sufficient defense.

Sec. 6. [Jury Trial]

The right of trial by jury shall remain inviolate, but the legislature may authorize trial by a jury of a less number than twelve in courts inferior to the District Court, and may by general law authorize a verdict in civil cases in any court by not less than five-sixths of the jury.

Sec. 7. [Searches and Seizures]

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Sec. 8. [Habeas Corpus]

The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

Sec. 9. [Bail; Excessive Bail and Fines; Punishment]

All persons shall be bailable by sufficient sureties, except for treason, sexual offenses involving penetration by force or against the will of the victim, and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

THE AMERICAN BENCH—1985/86

NEBRASKA

Sec. 10. [Presentment or Indictment by Grand Jury; Information]

No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; Provided, That the Legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law, abolish, limit, change, amend, or otherwise regulate the grand jury system.

Sec. 11. [Rights of Accused]

In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed.

Sec. 12. [Self-Incrimination; Double Jeopardy]

No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.

Sec. 13. [Right to Legal Remedy]

All courts shall be open, and every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law, and justice administered without denial or delay.

Sec. 14. [Treason]

Treason against the state shall consist only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 15. [Penalties Proportionate; Corruption of Blood; Transporting out of State]

All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the state.

Sec. 16. [Bill of Attainder; Retroactive Laws; Obligation of Contracts; Special Privileges]

No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

Sec. 17. [Military Subordinate]

The military shall be in strict subordination to the civil power.

Sec. 18. [Quartering Soldiers]

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

Sec. 19. [Right of Assembly and Petition]

The right of the people peaceable to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Sec. 20. [Imprisonment for Debt]

No person shall be imprisoned for debt in any civil action or mesne or final process, unless in cases of fraud.

Sec. 21. [Use of Private Property for Public Use]

The property of no person shall be taken or damaged for public use without just compensation therefor.

Sec. 22. [Free Elections]

All elections shall be free; and there shall be no hinderance or impediment to the right of a qualified voter to exercise the elective franchise.

Sec. 23. [Right of Appeal; Capital Cases]

In all cases of felony the defendant shall have the right of appeal to the Supreme Court; and in capital cases such appeal shall operate as a supersedeas to stay the execution of the sentence of death, until further order of the Supreme Court.

Sec. 24. [Right to be Heard in Civil Cases]

The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied.

Sec. 25. [No Discrimination Based on Property Ownership; Aliens]

There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property. The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law.

Sec. 26. [Rights Retained]

This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated, remain with the people.

Sec. 27. [English Official Language]

The English language is hereby declared to be the official language of this state, and all official proceedings, records and publications shall be in such language, and the common school branches shall be taught in said language in public, private, denominational and parochial schools.

NEVADA

ARTICLE I. Declaration of Rights

- SEC. 1. Inalienable rights
- SEC. 2. Purpose of government; paramount allegiance to United States
- SEC. 3. Trial by jury; waiver in civil cases
- SEC. 4. Liberty of conscience
- SEC. 5. Suspension of habeas corpus
- SEC. 6. Excessive bail, fines; cruel or unusual punishments; detention of witnesses
- SEC. 7. Bail; capital offenses
- SEC. 8. Rights of accused in criminal prosecutions; jeopardy; due process of law; eminent domain
- SEC. 9. Liberty of speech and the press
- SEC. 10. Right to assemble and to petition
- SEC. 11. Civil power supreme
- SEC. 12. Quartering soldiers in private houses
- SEC. 13. Representation apportioned according to population
- SEC. 14. Exemption of property from execution; imprisonment for debt
- SEC. 15. Bill of attainder; ex post facto law; obligation of contract
- SEC. 16. [Repealed]
- SEC. 17. Slavery and involuntary servitude prohibited
- SEC. 18. Unreasonable seizure and search; issuance of warrants
- SEC. 19. Treason
- SEC. 20. Rights retained by people

ARTICLE I. Declaration of Rights.

Sec. 1. Inalienable rights.

All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness[.]

Sec. 2. Purpose of government; paramount allegiance to United States.

All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith or perform any act

tending to impair[,] subvert, or resist the Supreme Authority of the government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and Perpetuate its existence [existence], whensoever any portion of the States, or people thereof attempt to secede from the Federal Union, or forcibly resist the Execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its Authority.

Sec. 3. Trial by jury; waiver in civil cases.

The right of trial by Jury shall be secured to all and remain inviolate forever; but a Jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law; and in civil cases, if three fourths of the Jurors agree upon a verdict it shall stand and have the same force and effect as a verdict by the whole Jury, Provided, the Legislature by a law passed by a two thirds vote of all the members elected to each branch thereof may require a unanimous verdict notwithstanding this Provision.

Sec. 4. Liberty of conscience.

The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief, but the liberty of conscience [conscience] hereby secured, shall not be so construed, as to excuse acts of licentiousness or justify practices inconsistent with the peace, or safety of this State.

Sec. 5. Suspension of habeas corpus.

The privilege of the writ of Habeas Corpus, shall not be suspended unless when in cases of rebellion or invasion the public safety may require its suspension.

Sec. 6. Excessive bail, fines; cruel or unusual punishments; detention of witnesses.

Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Sec. 7. Bail; capital offenses, other murders.

All persons shall be bailable by sufficient sureties; unless for Capital Offenses or murders punishable by life imprisonment without possibility of parole when the proof is evident or the presumption great.

Sec. 8. Rights of accused in criminal prosecutions; jeopardy; due process of law; eminent domain.

No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of

THE AMERICAN BENCH—1985/86

NEVADA

the militia when in actual service and the land and naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace, and in cases of petit larceny, under the regulation of the legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or attorney-general of the state, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

Sec. 9. Liberty of speech and the press.

Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels, the truth may be given in evidence to the Jury; and if it shall appear to the Jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted or exonerated.

Sec. 10. Right to assemble and to petition.

The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives and to petition the Legislature for redress of Grievances.

Sec. 11. Civil power supreme.

The military shall be subordinate to the civil power; No standing army shall be maintained by this State in time of peace, and in time of War, no appropriation for a standing army shall be for a longer time than two years.

Sec. 12. Quartering soldiers in private houses.

No soldier shall, in time of Peace be quartered in any house without the consent of the owner, nor in time of War, except in the manner to be prescribed by law.

Sec. 13. Representation apportioned according to population.

Representation shall be apportioned according to population.

Sec. 14. Exemption of property from execution; imprisonment for debt.

The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; And there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned [imprisoned] for a Militia fine in time of Peace.

Sec. 15. Bill of attainder; ex post facto law; obligation of contract.

No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts shall ever be passed.

Sec. 16. Rights of foreigners. [Repealed.]

Sec. 16 of the original constitution was repealed by vote of the people at the 1924 general election.

Sec. 17. Slavery, involuntary servitude prohibited.

Neither Slavery nor involuntary servitude unless for the punishment of crimes shall ever be tolerated in this State.

Sec. 18. Unreasonable seizure and search; issuance of warrants.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by Oath or Affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Sec. 19. Treason.

Treason against the State shall consist only in levying war against it, adhering to its enemies or giving them Aid and Comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 20. Rights retained by people.

This enumeration of rights shall not be construed to impair or deny others retained by the people.

NEW HAMPSHIRE

PART FIRST — Bill of Rights

- Art. 1. Equality of men; origin and object of government.
- Art. 2. Natural rights.
- Art. 3. Society, its organization and purposes.
- Art. 4. Rights of conscience unalienable.
- Art. 5. Religious freedom recognized.
- Art. 6. Morality and Piety; right of electing religious teachers; free toleration; existing contracts not affected.
- Art. 7. State sovereignty.
- Art. 8. Accountability of magistrates and officers to the people.
- Art. 9. No hereditary office or place.
- Art. 10. Right of revolution.
- Art. 11. Elections and elective franchise.
- Art. 12. Protection and taxation reciprocal; private property for public use.
- Art. 13. Conscientiously scrupulous not compelled to bear arms.
- Art. 14. Legal remedies to be free, complete and prompt.
- Art. 15. Accused entitled to full and substantial statement of charge; not obliged to furnish evidence against himself; may produce proofs and be fully heard, etc.
- Art. 16. No person to be again tried after an acquittal; trial by jury in capital cases.
- Art. 17. Criminal trials in county, except in general insurrection.
- Art. 18. Penalties to be proportioned to offenses; true design of punishment.
- Art. 19. Searches and seizures regulated.
- Art. 20. Trial by jury in civil causes; exceptions.
- Art. 21. Only qualified persons to serve as jurors, and to be fully compensated.
- Art. 22. Liberty of the press.
- Art. 23. Retrospective laws prohibited.
- Art. 24. Militia.
- Art. 25. Standing armies.
- Art. 26. Military, subject to civil power.
- Art. 27. Quartering of soldiers[.]
- Art. 28. Taxes to be levied only by the people or legislature.
- Art. 29. Suspension of laws by legislature only.
- Art. 30. Freedom of speech.
- Art. 31. Meetings of legislature, for what purpose.
- Art. 32. Rights of assembly, instruction and petition.
- Art. 33. Excessive bail, fines, and punishments prohibited.
- Art. 34. Martial law limited.
- Art. 35. The judiciary; tenure of office.

Art. 36. Pensions.

Art. 37. Legislative, executive and judicial departments to be kept separate.

Art. 38. Social virtues inculcated.

Art. 39. Changes in town and city charters; referendum required.

PART FIRST — Bill of Rights

Art. 1st. [Equality of Men; Origin and Object of Government.]

All men are born equally free and independent: Therefore, all government, of right, originates from the people, is founded in consent, and instituted for the general good.

Art. 2d. [Natural Rights.]

All men have certain natural, essential, and inherent rights — among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or natural origin.

Art. 3d. [Society, its Organization and Purposes.]

When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and, without such an equivalent, the surrender is void.

Art. 4th. [Rights of Conscience Unalienable.]

Among the natural rights, some are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience.

Art. 5th. [Religious Freedom Recognized.]

Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience, and reason; and no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship.

Art. 6th. [Morality and Piety.]

As morality and piety, rightly grounded on high principles, will give the best and greatest security to government, and will lay, in the hearts of men, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society,

THE AMERICAN BENCH—1985/86

NEW HAMPSHIRE

therefore, the several parishes, bodies, corporate, or religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both. But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established.

Art. 7th. [State Sovereignty.]

The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.

Art. 8th. [Accountability of Magistrates and Officers; Public's Right to Know.]

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted.

Art. 9th. [No Hereditary Office or Place.]

No office or place, whatsoever, in government, shall be hereditary — the abilities and integrity requisite in all, not being transmissible to posterity or relations.

Art. 10th. [Right of Revolution.]

Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

Art. 11th. [Elections and Elective Franchises.]

All elections are to be free, and every inhabitant of the state of eighteen years of age and upward shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purpose of voting in the town, ward, or unincorporated place where he has his domicile. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offense. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which

they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any office or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non-payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.

Art. 12th. [Protection and Taxation Reciprocal.]

Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent.

Art. 13th. [Conscientious Objectors not Compelled to Bear Arms.]

No person, who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto.

Art. 14th. [Legal Remedies to be Free, Complete, and Prompt.]

Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Art. 15th. [Right of Accused.]

No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him face to face, and to be fully heard in his defense, by himself, and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land. Every person held to answer in any crime or offense punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown; this right he is at liberty to waive, but only after the matter has been thoroughly explained by the court.

Art. 16th. [Former Jeopardy; Jury Trial in Capital Cases.]

No subject shall be liable to be tried, after an acquittal, for the same crime or offense. Nor shall the legislature make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

Art. 17th. [Venue of Criminal Prosecutions.]

In criminal prosecutions, the trial of facts, in the vicinity where they happened, is so essential to the security of the

THE AMERICAN BENCH—1985/86

NEW HAMPSHIRE

life, liberty and estate of the citizen, that no crime or offense ought to be tried in any other county or judicial district than that in which it is committed; except in any case in any particular county or judicial district, upon motion by the defendant, and after a finding by the court that a fair and impartial trial cannot be had where the offense may be committed, the court shall direct the trial to a county or judicial district in which a fair and impartial trial can be obtained.

Art. 18th. [Penalties to be Proportioned to Offenses; True Design of Punishment.]

All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offenses. For the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate mankind.

Art. 19th. [Searches and Seizures Regulated.]

Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued; but in cases and with the formalities, prescribed by law.

Art. 20th. [Jury Trial In Civil Causes.]

In all controversies concerning property and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practiced, and except in cases in which the value in controversy does not exceed five hundred dollars, and title of real estate is not concerned the parties have a right to a trial by jury and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relates to mariners' wages the legislature shall think it necessary hereafter to alter it.

Art. 21st. [Jurors; Compensation.]

In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken, that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time, and attendance.

Art. 22d. [Free Speech; Liberty of the Press.]

Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be inviolably preserved.

Art. 23rd. [Retrospective Laws Prohibited.]

Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either

for the decision of civil causes, or the punishment of offenses.

Art. 24th. [Militia.]

A well regulated militia is the proper, natural, and sure defense, of a state.

Art. 25th. [Standing Armies.]

Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the legislature.

Art. 26th. [Military Subject to Civil Power.]

In all cases, and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

Art. 27th. [Quartering of Soldiers.]

No soldier in time of peace, shall be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil authorities in a manner ordained by the legislature.

Art. 28th. [Taxes, by Whom Levied.]

No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

Art. 29th. [Suspension of Laws by Legislature Only.]

The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

Art. 30th. [Freedom of Speech.]

The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever.

Art. 31st. [Meetings of Legislature, for What Purposes.]

The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require.

Art. 32d. [Rights of Assembly, Instruction, and Petition.]

The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

Art. 33rd. [Excessive Bail, Fines, and Punishments Prohibited.]

No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

THE AMERICAN BENCH—1985/86

NEW HAMPSHIRE

Art. 34th. [Martial Law Limited.]

No person can, in any case, be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Art. 35th. [The Judiciary; Tenure of Office, etc.]

It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and

administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.

NEW JERSEY

ARTICLE I. Rights and Privileges

- Par. 1. Natural and unalienable rights
- Par. 2. Political power; object of government
- Par. 3. Rights of conscience; religious freedom
- Par. 4. Establishment of religious sect; religious or racial test for public office
- Par. 5. Denial of rights; discrimination; segregation
- Par. 6. Liberty of speech and of the press; libel; province of jury
- Par. 7. Freedom from unreasonable searches and seizures; warrant
- Par. 8. Presentment or indictment of grand jury; necessity; exceptions
- Par. 9. Trial by jury; jury of six persons; verdict in civil causes; trial of mental incompetency without jury
- Par. 10. Rights of persons accused of crime
- Par. 11. Double jeopardy; bail
- Par. 12. Excessive bail or fines; cruel and unusual punishments
- Par. 13. Imprisonment for debt or militia fine
- Par. 14. Habeas corpus
- Par. 15. Military subordinate to civil power
- Par. 16. Quartering of soldiers
- Par. 17. Treason
- Par. 18. Right of assembly and to petition
- Par. 19. Persons in private employment; right to organize; collective bargaining; public employees
- Par. 20. Private property for public use
- Par. 21. Saving clause

ARTICLE I. Rights and Privileges

- Par. 1. [Natural and unalienable rights]
All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.
- Par. 2. [Political power; object of government]
All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.
- Par. 3. [Rights of conscience; freedom of religion]
No person shall be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense

whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right or has deliberately and voluntarily engaged to perform.

Par. 4. [Establishment of religious sect; religious or racial tests]

There shall be no establishment of one religious sect in preference to another; no religious or racial test shall be required as a qualification for any office or public trust.

Par. 5. [Civil and military rights]

No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

Par. 6. [Freedom to speak, write and publish]

Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Par. 7. [Searches and seizures]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

Par. 8. [Criminal indictment]

No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases now prosecuted without indictment, or arising in the army or navy or in the militia, when in actual service in time of war or public danger.

Par. 9. [Jury trial]

The right of trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil causes by a jury of six persons. The Legislature may provide that in

THE AMERICAN BENCH—1985/86

NEW JERSEY

any civil cause a verdict may be rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of mental incompetency without a jury.

Par. 10. [Rights of accused]

In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel in his defense.

Par. 11. [Double jeopardy; bail]

No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

Par. 12. [Excessive bail and fines; punishments]

Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

Par. 13. [Imprisonment for debt]

No person shall be imprisoned for debt in any action, or on any judgment found upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

Par. 14. [Habeas corpus]

The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

Par. 15. [Military subordinate]

The military shall be in strict subordination to the civil power.

Par. 16. [Quartering soldiers]

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in a manner prescribed by law.

Par. 17. [Treason]

Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Par. 18. [Right of assembly and petition]

The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

Par. 19. [Private employment; right to organize; collective bargaining]

Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.

Par. 20. [Private property for public use]

Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners.

Par. 21. [Rights and privileges retained]

This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

NEW MEXICO

ARTICLE II. Bill of Rights

- SEC. 1. **Supreme law of the land**
- SEC. 2. **Popular sovereignty**
- SEC. 3. **Right of self-government**
- SEC. 4. **Inherent rights**
- SEC. 5. **Rights under treaty of Guadalupe Hidalgo preserved**
- SEC. 6. **Right to keep and bear arms; concealed weapons not authorized**
- SEC. 7. **Habeas corpus**
- SEC. 8. **Freedom of elections**
- SEC. 9. **Military power subordinate**
- SEC. 10. **Searches and seizures**
- SEC. 11. **Freedom of religion**
- SEC. 12. **Trial by jury**
- SEC. 13. **Bail**
- SEC. 14. **Indictment and information; rights of accused**
- SEC. 15. **Self-incrimination; double jeopardy**
- SEC. 16. **Treason**
- SEC. 17. **Freedom of speech and press; libel**
- SEC. 18. **Right to life, liberty, property; equal protection of the laws; not to be denied because of sex**
- SEC. 19. **Retroactive laws**
- SEC. 20. **Eminent domain**
- SEC. 21. **Imprisonment for debt**
- SEC. 22. **Alien land-ownership**
- SEC. 23. **Reserved rights**

ARTICLE II. Bill of Rights.

Sec. 1. [Supreme law of land]

The State of New Mexico is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

Sec. 2. [Popular sovereignty]

All political power is vested in and derived from the people, all government of right originates with the people, is founded upon their will and is instituted solely for their good.

Sec. 3. [Right of self-government]

The people of the state have the sole and exclusive right to govern themselves as a free, sovereign and independent state.

Sec. 4. [Inherent rights]

All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness.

Sec. 5. [Rights under treaty of Guadalupe]

The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.

Sec. 6. [Right to keep and bear arms]

No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons.

Sec. 7. [Habeas corpus]

The privilege of the writ of habeas corpus shall never be suspended, unless, in case of rebellion or invasion, the public safety requires it.

Sec. 8. [Elections free]

All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 9. [Military; quartering soldiers]

The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 10. [Searches & seizures]

The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures, and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the persons or things to be seized, nor without a written showing of probable cause, supported by oath or affirmation.

Sec. 11. [Freedom of religion]

Every man shall be free to worship God according to the dictates of his own conscience, and no person shall ever be molested or denied any civil or political right or privilege on account of his religious opinion or mode of religious worship. No person shall be required to attend any place of worship or support any religious sect or denomination; nor shall any preference be given by law to any religious denomination or mode of worship.

Sec. 12. [Jury trial]

The right of trial by jury as it has heretofore existed shall be secured to all and remain inviolate. In all cases triable in courts inferior to the district court the jury may consist of six. The legislature may provide that verdicts in civil cases may be rendered by less than a unanimous vote of the jury.

NEW MEXICO

Sec. 13. [Bail; fines; punishments]

All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great and in situations in which bail is specifically prohibited by this section. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Bail may be denied by the district court for a period of sixty days after the incarceration of the defendant by an order entered within seven days after the incarceration, in the following instances:

A. the defendant is accused of a felony and has previously been convicted of two or more felonies within the state, which felonies did not arise from the same transaction or a common transaction with the case at bar;

B. the defendant is accused of a felony involving the use of a deadly weapon and has a prior felony conviction within the state. The period of incarceration without bail may be extended by any period of time by which trial is delayed by a motion for a continuance made by or on behalf of the defendant. An appeal from an order denying bail shall be given preference over all other matters.

Sec. 14. [Indictment and information; rights of accused]

No person shall be held to answer for a capital, felonious or infamous crime unless on a presentment or indictment of a grand jury or information filed by a district attorney or attorney general or their deputies, except in cases arising in the militia when in actual service in time of war or public danger. No person shall be so held on information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination.

A grand jury shall be composed of such number, not less than twelve, as may be prescribed by law. Citizens only, residing in the county for which a grand jury may be convened and qualified as prescribed by law, may serve on a grand jury. Concurrence necessary for the finding of an indictment by a grand jury shall be prescribed by law; provided, such concurrence shall never be by less than a majority of those who compose a grand jury, and, provided, at least eight must concur in finding an indictment when a grand jury is composed of twelve in number. Until otherwise prescribed by law, a grand jury shall be composed of twelve in number of which eight must concur in finding an indictment. A grand jury shall be convened upon order of a judge of a court empowered to try and determine cases of capital, felonious or infamous crimes at such times as to him shall be deemed necessary, or a grand jury shall be ordered to convene by such judge upon the filing of a petition therefor signed by not less than the lesser of two hundred registered voters or five percent of the registered voters of the county, or a grand jury may be convened in any additional manner as may be prescribed by law.

In all criminal prosecutions, the accused shall have the right to appear and defend himself in person, and by counsel; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have the charge and testimony interpreted to him in a language that he understands; to have compulsory process to compel the attendance of necessary witnesses in his behalf; and a speedy public trial by an impartial jury of the county or

district in which the offense is alleged to have been committed.

Sec. 15. [Self-incrimination; double jeopardy]

No person shall be compelled to testify against himself in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offense; and when the indictment, information or affidavit upon which any person is convicted charges different offenses or different degrees of the same offense and a new trial is granted the accused, he may not again be tried for an offense or degree of the offense greater than the one of which he was convicted.

Sec. 16. [Treason]

Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 17. [Freedom of speech and press; libel]

Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 18. [Due process; equal protection; sex discrimination]

No person shall be deprived of life, liberty or property without due process of law; nor shall any person be denied equal protection of the laws. Equality of rights under law shall not be denied on account of the sex of any person. The effective date of this amendment shall be July 1, 1973.

Sec. 19. [Ex post facto laws; attainder; contracts]

No ex post facto law, bill of attainder, nor law impairing the obligation of contracts shall be enacted by the legislature.

Sec. 20. [Eminent domain]

Private property shall not be taken or damaged for public use without just compensation.

Sec. 21. [Imprisonment for debt]

No person shall be imprisoned for debt in any civil action.

Sec. 22. [Alien land-ownership]

Until otherwise provided by law no alien, ineligible to citizenship under the laws of the United States, or corporation, copartnership or association, a majority of the stock or interest in which is owned or held by such aliens, shall acquire title, leasehold or other interest in or to real estate in New Mexico.

Sec. 23. [Reserved rights]

The enumeration in this Constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

NEW YORK

ARTICLE I. Bill of Rights

- SEC. 1. Rights, privileges and franchise secured; power of legislature to dispense with primary elections in certain cases.**
- SEC. 2. Trial by jury; how waived.**
- SEC. 3. Freedom of worship; religious liberty.**
- SEC. 4. Habeas corpus.**
- SEC. 5. Bail; fines; punishments; detention of witnesses.**
- SEC. 6. Grand jury; protection of certain enumerated rights; duty of public officers to sign waiver of immunity and give testimony; penalty for refusal.**
- SEC. 7. Compensation for taking private property; private roads; drainage of agricultural lands.**
- SEC. 8. Freedom of speech and press; criminal prosecutions for libel.**
- SEC. 9. Right to assemble and petition; divorce; lotteries; pool-selling and gambling; laws to prevent; pari-mutuel betting on horse races permitted; games of chance, bingo or lotto authorized under certain restrictions.**
- SEC. 11. Equal protection of laws; discrimination in civil rights prohibited.**
- SEC. 12. Security against unreasonable searches, seizures and interceptions.**
- SEC. 14. Common law and acts of the state legislatures.**
- SEC. 16. Damages for injuries causing death.**
- SEC. 17. Labor not a commodity; hours and wages in public work; right to organize and bargain collectively.**
- SEC. 18. Workmen's compensation.**

ARTICLE I. Bill of Rights

Sec. 1. [Rights, privileges and franchise secured; power of legislature to dispense with primary elections in certain cases.]

No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers, except that the legislature may provide that there shall be no primary election held to nominate candidates for public office or to elect persons to party positions for any political party or parties in any unit of representation of the state from which such candidates or persons are nominated or elected whenever there is no contest or contests for such nominations or election as may be prescribed by general law. (Amended by vote of the people November 3, 1959.)

Sec. 2. [Trial by jury; how waived.]

Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law. The legislature may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. A jury trial may be waived by the defendant in all criminal cases, except those in which the crime charged may be punishable by death, by a written instrument signed by the defendant in person in open court before and with the approval of a judge or justice of a court having jurisdiction to try the offense. The legislature may enact laws, not inconsistent herewith, governing the form, content, manner and time of presentation of the instrument effectuating such waiver. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

Sec. 3. [Freedom of worship; religious liberty.]

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

Sec. 4. [Habeas corpus.]

The privilege of a writ or order of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

Sec. 5. [Bail; fines; punishments; detention of witnesses.]

Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Sec. 6. [Grand jury; protection of certain enumerated rights; duty of public officers to sign waiver of immunity and give testimony; penalty for refusal.]

No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land, air and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny, under the regulation of the legislature), unless on indictment of a grand jury, except that

THE AMERICAN BENCH—1985/86

NEW YORK

a person held for the action of a grand jury upon a charge for such an offense, other than one punishable by death or life imprisonment, with the consent of the district attorney, may waive indictment by a grand jury and consent to be prosecuted on an information filed by the district attorney; such waiver shall be evidenced by written instrument signed by the defendant in open court in the presence of his counsel. In any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions and shall be informed of the nature and cause of the accusation and be confronted with the witnesses against him. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself, providing, that any public officer who, upon being called before a grand jury to testify concerning the conduct of his present office or of any public office held by him within five years prior to such grand jury call to testify, or the performance of his official duties in any such present or prior offices, refuses to sign a waiver of immunity against subsequent criminal prosecution, or to answer any relevant question concerning such matters before such grand jury, shall by virtue of such refusal, be disqualified from holding any other public office or public employment for a period of five years from the date of such refusal to sign a waiver of immunity against subsequent prosecution, or to answer any relevant question concerning such matters before such grand jury, and shall be removed from his present office by the appropriate authority or shall forfeit his present office at the suit of the attorney-general.

The power of grand juries to inquire into the wilful misconduct in office of public officers, and to find indictments or to direct the filing of informations in connection with such inquiries, shall never be suspended or impaired by law.

No person shall be deprived of life, liberty or property without due process of law.

Sec. 7. [Compensation for taking private property; private roads; drainage of agricultural lands.]

(a) Private property shall not be taken for public use without just compensation.

(c) Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceedings, shall be paid by the person to be benefited.

(d) The use of property for the drainage of swamp or agricultural lands is declared to be a public use, and general laws may be passed permitting the owners or occupants of swamp or agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions, on making just compensation, and such compensation together with the cost of such drainage may be assessed, wholly or partly, against any property benefited thereby; but no special laws shall be enacted for such purposes. (Subdivision (e) repealed by vote of the people November 5, 1963. Subdivision (b) repealed by vote of the people November 3, 1964.)

Sec. 8. [Freedom of speech and press; criminal prosecutions for libel.]

Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 9. [Right to assemble and petition; divorce; lotteries; pool-selling and gambling; laws to prevent; pari-mutuel betting on horse races permitted; games of chance, bingo or lotto authorized under certain restrictions.]

1. No law shall be passed abridging the rights of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; except as hereinafter provided, no lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling, except lotteries operated by the state and the sale of lottery tickets in connection therewith as may be authorized and prescribed by the legislature, the net proceeds of which shall be applied exclusively to or in aid or support of education in this state as the legislature may prescribe, and except pari-mutuel betting on horse races as may be prescribed by the legislature and from which the state shall derive a reasonable revenue for the support of government, shall hereafter be authorized or allowed within this state; and the legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

2. Notwithstanding the foregoing provisions of this section, any city, town or village within the state may by an approving vote of the majority of the qualified electors in such municipality voting on a proposition therefor submitted at a general or special election authorize, subject to state legislative supervision and control, the conduct of one or both of the following categories of games of chance commonly known as: (a) bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random; (b) games in which prizes are awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols determined by chance from among those previously selected or played, whether determined as the result of the spinning of a wheel, a drawing or otherwise by chance. If authorized, such games shall be subject to the following restrictions, among others which may be prescribed by the legislature: (1) only bona fide religious, charitable or non-profit organizations of veterans, volunteer firemen and similar non-profit organizations shall be permitted to conduct such games; (2) the entire net proceeds of any game shall be exclusively devoted to the lawful purposes of such organizations; (3) no single prize shall exceed two hundred and fifty dollars; (4) no series of prizes on any one occasion shall aggregate more than one thousand dollars; (5) no person except a bona fide member of any such organization shall participate in the management or operation of such game; and

NEW YORK

(6) no person shall receive any remuneration for participating in the management or operation of any such game. The legislature shall pass appropriate laws to effectuate the purposes of this subdivision, ensure that such games are rigidly regulated to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and the diversion of funds from the purposes authorized hereunder and establish a method by which a municipality which has authorized such games may rescind or revoke such authorization. Unless permitted by the legislature, no municipality shall have the power to pass local laws or ordinances relating to such games. Nothing in this section shall prevent the legislature from passing laws more restrictive than any of the provisions of this section.

No section 10 (*see footnote**)

Sec. 11. [Equal protection of laws; discrimination in civil rights prohibited.]

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

Sec. 12. [Security against unreasonable searches, seizures and interceptions.]

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The right of the people to be secure against unreasonable interception of telephone and telegraph communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof.

No section 13 (*see footnote***)

Sec. 14. [Common law and acts of the state legislatures.]

Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred seventy-five, and the resolutions of the congress of the said colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.

No section 15 (*see footnote†*)

Sec. 16. [Damages for injuries causing death.]

The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation.

Sec. 17. [Labor not a commodity; hours and wages in public work; right to organize and bargain collectively.]

Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.

No laborer, workman or mechanic, in the employ of a contractor or subcontractor engaged in the performance of any public work, shall be permitted to work more than eight hours in any day or more than five days in any week, except in cases of extraordinary emergency; nor shall he be paid less than the rate of wages prevailing in the same trade or occupation in the locality within the state where such public work is to be situated, erected or used.

Employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

Sec. 18. [Workmen's compensation.]

Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum; provided that all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer.

*Section 10 which dealt with ownership of lands, allodial tenures and escheats was repealed by amendment approved by vote of the people November 6, 1962.

**Section 13 which dealt with purchase of lands of Indians was repealed by amendment approved by vote of the people November 6, 1962.

†Section 15 which dealt with certain grants of lands and of charters made by the King of Great Britain and the state and obligations and contracts not to be impaired was repealed by amendment approved by vote of the people November 6, 1962.

NORTH CAROLINA

ARTICLE I. Declaration of Rights

- SEC. 1. The equality and rights of persons
- SEC. 2. Sovereignty of the people
- SEC. 3. Internal government of the state
- SEC. 4. Secession prohibited
- SEC. 5. Allegiance to the United States
- SEC. 6. Separation of powers
- SEC. 7. Suspending laws
- SEC. 8. Representation and taxation
- SEC. 9. Frequent elections
- SEC. 10. Free elections
- SEC. 11. Property qualifications
- SEC. 12. Right of assembly and petition
- SEC. 13. Religious liberty
- SEC. 14. Freedom of speech and press
- SEC. 15. Education
- SEC. 16. *Ex post facto* laws
- SEC. 17. Slavery and involuntary servitude
- SEC. 18. Courts shall be open
- SEC. 19. Law of the land; equal protection of the laws
- SEC. 20. General warrants
- SEC. 21. Inquiry into restraints on liberty
- SEC. 22. Modes of prosecution
- SEC. 23. Rights of accused
- SEC. 24. Right of jury trial in criminal cases
- SEC. 25. Right of jury trial in civil cases
- SEC. 26. Jury service
- SEC. 27. Bail, fines, and punishments
- SEC. 28. Imprisonment for debt
- SEC. 29. Treason against the State
- SEC. 30. Militia and the right to bear arms
- SEC. 31. Quartering of soldiers
- SEC. 32. Exclusive emoluments
- SEC. 33. Hereditary emoluments and honors
- SEC. 34. Perpetuities and monopolies
- SEC. 35. Recurrence to fundamental principles
- SEC. 36. Other rights of the people

ARTICLE I. Declaration of Rights

That the great, general and essential principles of liberty and free government may be recognized and established and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

Sec. 1. The equality and rights of persons.

We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the

enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2. Sovereignty of the people.

All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 3. Internal government of the State.

The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

Sec. 4. Secession prohibited.

This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

Sec. 5. Allegiance to the United States.

Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Sec. 6. Separation of powers.

The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

Sec. 7. Suspending laws.

All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

Sec. 8. Representation and taxation.

The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

Sec. 9. Frequent elections.

For redress of grievances and for amending and strengthening the laws, elections shall be often held.

THE AMERICAN BENCH—1985/86

NORTH CAROLINA

Sec. 10. Free elections.

All elections shall be free.

Sec. 11. Property qualifications.

As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

Sec. 12. Rights of assembly and petition.

The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

Sec. 13. Religious liberty.

All persons have a natural and inalienable right to worship Almighty God according to the desires of their own consciences, and no human authority shall, in any case whatever control or interfere with the rights of conscience.

Sec. 14. Freedom of speech and press.

Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

Sec. 15. Education.

The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 16. Ex post facto laws.

Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

Sec. 17. Slavery and involuntary servitude.

Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.

Sec. 18. Courts shall be open.

All courts shall be open; every person for an injury done him in his lands, goods, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

Sec. 19. Law of the land; equal protection of the laws.

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Sec. 20. General warrants.

General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly

described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. Inquiry into restraints on liberty.

Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. Modes of prosecution.

Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in non-capital cases.

Sec. 23. Rights of accused.

In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witness with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. Right of jury trial in criminal cases.

No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. Right of jury trial in civil cases.

In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. Jury service.

No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. Bail, fines, and punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. Imprisonment for debt.

There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. Treason against the State.

Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 30. Militia and the right to bear arms.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in

THE AMERICAN BENCH—1985/86

NORTH CAROLINA

time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting statutes against that practice.

Sec. 31. Quartering of soldiers.

No soldier shall in time of peace be quartered in any house without the consent of the owner, not in time of war but in a manner prescribed by law.

Sec. 32. Exclusive emoluments.

No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 33. Hereditary emoluments and honors.

No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 34. Perpetuities and monopolies.

Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

Sec. 35. Recurrence to fundamental principals.

A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 36. Other rights of the people.

The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

NORTH DAKOTA

ARTICLE I. Declaration of Rights

- SEC. 1. Inalienable rights; right to keep & bear arms
- SEC. 2. Inherent political power
- SEC. 3. Freedom of religion
- SEC. 4. Freedom of speech
- SEC. 5. Freedom of assembly
- SEC. 6. Involuntary servitude
- SEC. 7. Freedom of employment
- SEC. 8. Searches and seizures
- SEC. 9. Administration of justice
- SEC. 10. Indictment or information
- SEC. 11. Bail
- SEC. 12. Rights of the accused
- SEC. 13. Trial by jury
- SEC. 14. Habeas corpus
- SEC. 15. Imprisonment for debt
- SEC. 16. Private property not taken without just compensation
- SEC. 17. Treason
- SEC. 18. Bill of attainder - ex post facto laws - impairment of contract obligations
- SEC. 19. Military subordinate to civil power
- SEC. 20. [Inviolate rights]
- SEC. 21. Privileges or immunities
- SEC. 22. Uniform operation of laws
- SEC. 23. Supreme law of the land
- SEC. 24. Interpretation of Constitution

ARTICLE I. Declaration of Rights

Sec. 1. [Inalienable rights]

All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms of the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

Sec. 2. [Inherent political power]

All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

Sec. 3. [Freedom of religion]

The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to be witness or juror on account of

his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

Sec. 4. [Freedom of expression; libel]

Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court as in other cases.

Sec. 5. [Freedom of assembly]

The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance.

Sec. 6. [Slavery; involuntary servitude]

Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 7. [Freedom of employment]

Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

Sec. 8. [Searches and seizures]

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Sec. 9. [Administration of justice]

All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, in such courts, and in such cases, as the legislative assembly may, by law, direct.

THE AMERICAN BENCH—1985/86

NORTH DAKOTA

Sec. 10. [Indictment, information]

Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

Sec. 11. [Bail; punishments; witnesses]

All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

Sec. 12. [Rights of accused]

In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

Sec. 13. [Trial by jury; verdicts]

The right of trial by jury shall be secured to all, and remain inviolate. A person accused of a crime for which he may be confined for a period of more than one year has the right of trial by a jury of twelve. The legislative assembly may determine the size of the jury for all other cases, provided that the jury consists of at least six members. All verdicts must be unanimous.

Sec. 14. [Habeas corpus]

The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require.

Sec. 15. [Imprisonment for debt]

No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.

Sec. 16. [Private property; just compensation]

Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any ben-

efit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, provided however, that when the state or any of its departments, agencies or political subdivisions seeks to acquire right of way, it may take possession upon making an offer to purchase and by depositing the amount of such offer with the clerk of the district court of the county wherein the right of way is located. The clerk shall immediately notify the owner of such deposit. The owner may thereupon appeal to the court in the manner provided by law, and may have a jury trial, unless a jury be waived, to determine the damages.

Sec. 17. [Treason]

Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

Sec. 18. [Attainder; ex post facto laws, contracts]

No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

Sec. 19. [Military]

The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Sec. 20. [Inviolable rights]

To guard against transgressions of the high powers which we have delegated, we declare that everything in this article in excepted out of the general powers of government and shall forever remain inviolate.

Sec. 21. [Privileges or immunities]

No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

Sec. 22. [Uniform laws]

All laws of a general nature shall have a uniform operation.

Sec. 23. [Supreme law of land]

The state of North Dakota is an inseparable part of the American union and the Constitution of the United States is the supreme law of the land.

Sec. 24. [Interpretation of constitution]

The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

OHIO

ARTICLE I. Bill of Rights

- SEC. 1. Right to freedom and protection of property**
- SEC. 2. Right to alter, reform, or abolish government, and repeal special privileges**
- SEC. 3. Right to assemble**
- SEC. 4. Bearing arms; standing armies; subordination of military power**
- SEC. 5. Trial by jury; reform in civil jury system**
- SEC. 6. Slavery and involuntary servitude**
- SEC. 7. Rights of conscience; education; necessity of religion and knowledge**
- SEC. 8. Writ of habeas corpus**
- SEC. 9. Bailable offenses; bail, fine and punishment**
- SEC. 10. Trial of accused persons and their rights; depositions by state and comment on failure of accused to testify in criminal cases**
- SEC. 11. Freedom of speech, and of the press; libel**
- SEC. 12. Transportations, etc. for crime**
- SEC. 13. Quartering troops**
- SEC. 14. Search warrants and general warrants**
- SEC. 15. No imprisonment for debt**
- SEC. 16. Redress in courts**
- SEC. 17. Hereditary privileges, etc.**
- SEC. 18. Suspension of laws**
- SEC. 19. Inviolability of private property**
- SEC. 19a. Damages for wrongful death**
- SEC. 20. Powers reserved to the people**

ARTICLE I. Bill of Rights

Sec. 1. Right to freedom and protection of property.

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

Sec. 2. Right to alter, reform, or abolish government, and repeal special privileges.

All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly.

Sec. 3. [Right to assemble together.]

The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct

their representatives; and to petition the general assembly for the redress of grievances.

Sec. 4. [Bearing arms; standing armies; subordination of military power.]

The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

Sec. 5. Trial by jury; reform in civil jury system.

The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

Sec. 6. [Slavery and involuntary servitude.]

There shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime.

Sec. 7. [Rights of conscience; education; necessity of religion and knowledge.]

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Sec. 8. [Writ of habeas corpus.]

The privilege of the writ of habeas corpus shall not be suspended, unless, in cases of rebellion or invasion, the public safety require it.

Sec. 9. Bailable offenses; of bail, fine, and punishment.

All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

OHIO

Sec. 10. [Trial of accused persons and their rights; depositions by state and comment on failure of accused to testify in criminal cases.]

Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be made the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.

Sec. 11. [Freedom of speech and of the press; libel.]

Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

Sec. 12. Transportation, etc., for crime.

No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

Sec. 13. [Quartering of troops.]

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law.

Sec. 14. Search warrants and general warrants.

The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

Sec. 15. No imprisonment for debt.

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

Sec. 16. [Redress in courts.]

All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay.

[Suits against the state.] Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

Sec. 17. Hereditary privileges, etc.

No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this state.

Sec. 18. Suspension of laws.

No power of suspending laws shall ever be exercised, except by the general assembly.

Sec. 19. [Inviolability of private property.]

Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

Sec. 19a. Damage for wrongful death.

The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law.

Sec. 20. Powers reserved to the people.

This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

OKLAHOMA

ARTICLE II. Bill of Rights

- SEC. 1. Political power — Purpose of government — Alteration or reformation
- SEC. 2. Inherent rights
- SEC. 3. Right of assembly and petition
- SEC. 4. Interference with right of suffrage
- SEC. 5. Public money or property — Use for sectarian purposes
- SEC. 6. Courts of justice open — Remedies for wrongs — Sale, denial or delay
- SEC. 7. Due process of law
- SEC. 8. Right to bail
- SEC. 9. Excessive bail or fines — Cruel or unusual punishment
- SEC. 10. Habeas corpus — Suspension
- SEC. 11. Officers — Personal attention to duties — Intoxication
- SEC. 12. Offices of United States or other states — Ineligibility to office
- SEC. 13. Imprisonment for debt
- SEC. 14. Military subordinate to civil authorities — Quarters without owner's consent
- SEC. 15. Bills of attainder — Ex post facto laws — Obligation of contracts — Forfeiture
- SEC. 16. Treason
- SEC. 17. Indictment or information — Preliminary examination — Prosecutions in courts not of record
- SEC. 18. Grand jury
- SEC. 19. Trial by jury
- SEC. 20. Rights of accused in criminal cases
- SEC. 21. Self-incrimination — Double jeopardy
- SEC. 22. Liberty of speech and press — Truth as evidence in prosecution for libel
- SEC. 23. Private property — Taking or damaging for private use
- SEC. 24. Private property — Public use — Character of use a judicial question
- SEC. 25. Contempt — Definition — Jury trial — Hearing
- SEC. 26. Bearing arms — Carrying weapons
- SEC. 27. Witnesses not excused from testifying — Immunity from prosecution
- SEC. 28. Corporate records, books and files
- SEC. 29. Transportation out of State
- SEC. 30. Unreasonable searches or seizures — Warrants, issuance of
- SEC. 31. State — Engagement in occupation or business
- SEC. 32. Perpetuities — Monopolies — Primogeniture — Entailments
- SEC. 33. Effect of enumeration of rights

ARTICLE II. Bill of Rights

Sec. 1. Political power — Purpose of government — Alteration or reformation

All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: Provided, such change be not repugnant to the Constitution of the United States.

Sec. 2. Inherent rights

All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.

Sec. 3. Right of assembly and petition

The people have the right peaceably to assemble for their own good, and to apply to those invested with the powers of government for redress of grievances by petition, address, or remonstrance.

Sec. 4. Interference with right of suffrage

No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage by those entitled to such right.

Sec. 5. Public money or property — Use for sectarian purposes

No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

Sec. 6. Courts of justice open — Remedies for wrongs — Sale, denial or delay

The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay, or prejudice.

Sec. 7. Due process of law

No person shall be deprived of life, liberty, or property, without due process of law.

Sec. 8. Right to bail

All persons shall be bailable by sufficient sureties, except for capital offenses when the proof of guilt is evident, or the presumption thereof is great.

THE AMERICAN BENCH—1985/86

OKLAHOMA

Sec. 9. Excessive bail or fines — Cruel or unusual punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 10. Habeas corpus — Suspension

The privilege of the writ of habeas corpus shall never be suspended by the authorities of this State.

Sec. 11. Officers — Personal attention to duties — Intoxication

Every person elected or appointed to any office or employment of trust or profit under the laws of the State, or under any ordinance of any municipality thereof, shall give personal attention to the duties of the office to which he is elected or appointed. Drunkenness and the excessive use of intoxicating liquors while in office shall constitute sufficient cause for impeachment or removal therefrom. As amended State Question No. 73, Initiative Petition No. 46. Adopted August 4, 1914.

Sec. 12. Officers of United States or other states — Ineligibility to office

No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State.

Sec. 13. Imprisonment for debt

Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.

Sec. 14. Military subordinate to civil authorities — Quartering without owner's consent

The military shall be held in strict subordination to the civil authorities. No soldier shall be quartered in any house, in time of peace, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

Sec. 15. Bills of attainder — Ex post facto laws — Obligation of contracts — Forfeitures

No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed. No conviction shall work a corruption of blood or forfeiture of estate: Provided, that this provision shall not prohibit the imposition of pecuniary penalties.

Sec. 16. Treason

Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 17. Indictment or information — Preliminary examination — Prosecutions in courts not of record

No person shall be prosecuted criminally in courts of record for felony or misdemeanor otherwise than by presentment or indictment or by information. No person shall be prosecuted for a felony by information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination.

Prosecutions may be instituted in courts not of record upon a duly verified complaint.

Sec. 18. Grand jury

A grand jury shall be composed of twelve (12) persons, any nine (9) of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a district judge upon his own motion; or such grand jury shall be ordered by a district judge upon the filing of a petition therefor signed by qualified electors of the county equal to one percent (1%) of the population of the county according to the last preceding Federal Decennial Census, with the minimum number of required signatures being two hundred (200) and the maximum being five hundred (500); and further providing that in any calendar year in which a grand jury has been convened pursuant to a petition therefor, then any subsequent petition filed during the same calendar year shall require double the minimum number of signatures as were required hereunder for the first petition; or such grand jury shall be ordered convened upon the filing of a verified application by the Attorney General of the State of Oklahoma who shall have authority to conduct the grand jury in investigating crimes which are alleged to have been committed in said county or involving multicounty criminal activities; when so assembled such grand jury shall have power to inquire into and return indictments for all character and grades of crime. All other provisions of the Constitution or the laws of this state in conflict with the provisions of this constitutional amendment are hereby expressly repealed.

Sec. 19. Trial by jury

The right of trial by jury shall be and remain inviolate, except in civil cases wherein the amount in controversy does not exceed One Hundred Dollars (\$100.00), or in criminal cases wherein punishment for the offense charged is by fine only, not exceeding One Hundred Dollars (\$100.00). Provided, however, that the Legislature may provide for jury trial in cases involving lesser amounts. Juries for the trial of civil and criminal cases shall consist of twelve (12) persons; but in the trial of misdemeanors, proceedings for the violation of ordinances or regulations of cities and towns, juvenile proceedings, actions for forcible entry and detainer, or detention only, of real property and collection of rents therefor, and civil cases concerning causes of action involving less than Twenty-five Hundred Dollars (\$2,500.00), juries shall consist of six (6) persons. In civil cases, and in criminal cases less than felonies, three-fourths (3/4) of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein.

Sec. 20. Rights of accused in criminal cases

In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed or, where uncertainty exists as to the county in which the crime was committed, the accused may be tried in any county in which the evidence indicates the crime might have been committed. Provided, that the venue may be

OKLAHOMA

changed to some other county of the state, on the application of the accused, in such manner as may be prescribed by law. He shall be informed of the nature and cause of the accusation against him and have a copy thereof, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his behalf. He shall have the right to be heard by himself and counsel; and in capital cases, at least two days before the case is called for trial, he shall be furnished with a list of the witnesses that will be called in chief, to prove the allegations of the indictment or information, together with their post-office addresses.

Sec. 21. Self-incrimination — Double jeopardy

No person shall be compelled to give evidence which will tend to incriminate him, except as in this Constitution specifically provided; nor shall any person, after having been once acquitted by a jury, be again put in jeopardy of life or liberty for that of which he has been acquitted. Nor shall any person be twice put in jeopardy of life or liberty for the same offense.

Sec. 22. Liberty of speech and press — Truth as evidence in prosecution for libel

Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libel, the truth of the matter alleged to be libelous may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous be true, and was written or published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 23. Private property — Taking or damaging for private use

No private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.

Sec. 24. Private property — Public use — Character of use a judicial question

Private property shall not be taken or damaged for public use without just compensation. Such compensation, irrespective of any benefit from any improvements proposed, shall be ascertained by a board of commissioners of not less than three freeholders, in such manner as may be prescribed by law. The commissioners shall not be appointed by any judge or court without reasonable notice having been served upon all parties in interest. The commissioners shall be selected from the regular jury list of names prepared and made as the Legislature shall provide. Any party aggrieved shall have the right of appeal, without bond, and trial by jury in a court of record. Until the compensation shall be paid to the owner, or into court for the owner, the property shall not be disturbed, or the proprietary rights of the owner divested. When possession is taken of property condemned for any public use, the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial de-

termination of the sufficiency or insufficiency of such compensation. The fee of land taken by common carriers for right of way, without the consent of the owner, shall remain in such owner subject only to the use for which it is taken. In all cases of condemnation of private property for public or private use, the determination of the character of the use shall be a judicial question.

Sec. 25. Contempt — Definition — Jury trial — Hearing

The legislature shall pass laws defining contempts and regulating the proceedings and punishment in matters of contempt: Provided, that any person accused of violating or disobeying, when not in the presence or hearing of the court, or judge sitting as such, any order of injunction, or restraint, made or entered by any court or judge of the State shall, before penalty or punishment is imposed, be entitled to a trial by jury as to the guilt or innocence of the accused. In no case shall a penalty or punishment be imposed for contempt, until an opportunity to be heard is given.

Sec. 26. Bearing arms — Carrying weapons

The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.

Sec. 27. Witnesses not excused from testifying — Immunity from prosecution

Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation under the laws of the state shall not be excused from giving testimony or producing evidence, when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the state; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence. All other provisions of the Constitution or the laws of this state in conflict with the provisions of this constitutional amendment are hereby expressly repealed.

Sec. 28. Corporate records, books and files

The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitatorial and inquisitorial powers of the State, notwithstanding the immunities and privileges in this Bill of Rights secured to the persons, inhabitants, and citizens thereof.

Sec. 29. Transportation out of State

No person shall be transported out of the State for any offense committed within the State, nor shall any person be transported out of the State for any purpose, without his consent, except by due process of law; but nothing in this provision shall prevent the operation of extradition laws, or the transporting of persons sentenced for crime, to other states for the purpose of incarceration.

Sec. 30. Unreasonable searches or seizures — Warrants, issuance of

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches

THE AMERICAN BENCH—1985/86

OKLAHOMA

or seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, describing as particularly as may be the place to be searched and the person or thing to be seized.

Sec. 31. State — Engagement in occupation or business

The right of the State to engage in any occupation or business for public purposes shall not be denied nor prohibited, except that the State shall not engage in agriculture for any other than educational and scientific pur-

poses and for the support of its penal, charitable, and educational institutions.

Sec. 32. Perpetuities — Monopolies — Primogeniture — Entailments

Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 33. Effect of enumeration of rights

The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

OREGON

ARTICLE I. Bill of Rights

- SEC. 1. Natural rights inherent in people
- SEC. 2. Freedom of worship
- SEC. 3. Freedom of religious opinion
- SEC. 4. No religious qualification for office
- SEC. 5. No money to be appropriated for religion
- SEC. 6. No religious test for witnesses or jurors
- SEC. 7. Manner of administering oath or affirmation
- SEC. 8. Freedom of speech and press
- SEC. 9. Unreasonable searches or seizures
- SEC. 10. Administration of justice
- SEC. 11. Rights of accused in criminal prosecution
- SEC. 12. Double jeopardy; compulsory self-incrimination
- SEC. 13. Treatment of arrested or confined persons
- SEC. 14. Bailable offenses
- SEC. 15. Reformation the basis of criminal law
- SEC. 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case
- SEC. 17. Jury trial in civil cases
- SEC. 18. Private property or services taken for public use
- SEC. 19. Imprisonment for debt
- SEC. 20. Equality of privileges and immunities of citizens
- SEC. 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors
- SEC. 22. Suspension of operation of laws
- SEC. 23. Habeas corpus
- SEC. 24. Treason
- SEC. 25. Corruption of blood or forfeiture of estate
- SEC. 26. Assemblages of people; instruction of representatives; application to legislature
- SEC. 27. Right to bear arms; military subordinate to civil power
- SEC. 28. Quartering soldiers
- SEC. 29. Titles of nobility; hereditary distinctions
- SEC. 30. Emigration
- SEC. 31. [Repealed]
- SEC. 32. Taxes and duties; uniformity of taxation
- SEC. 33. Enumeration of rights not exclusive
- SEC. 34. Slavery or involuntary servitude
- SEC. 35. [Repealed]
- SEC. 36. [Repealed]
- SEC. 37. [Repealed]
- SEC. 38. [Repealed]
- SEC. 39. Sale of liquor by individual glass
- SEC. 40. Capital punishment.

ARTICLE I. Bill of Rights

Sec. 1. Natural rights inherent in people.

We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.—

Sec. 2. Freedom of worship.

All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.—

Sec. 3. Freedom of religious opinion.

No law shall in any case whatever control the free exercise, and enjoyment of religious (sic) opinions, or interfere with the rights of conscience.—

Sec. 4. No religious qualification for office.

No religious test shall be required as a qualification for any office of trust or profit.—

Sec. 5. No money to be appropriated for religion.

No money shall be drawn from the Treasury for the benefit of any religious (sic), or theological institution, nor shall any money be appropriated for the payment of any religious (sic) services in either house of the Legislative Assembly.—

Sec. 6. No religious test for witnesses or jurors.

No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion (sic); nor be questioned in any Court of Justice touching his religious (sic) belief to affect the weight of his testimony.—

Sec. 7. Manner of administering oath or affirmation.

The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.—

Sec. 8. Freedom of speech and press.

No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.—

Sec. 9. Unreasonable searches or seizures.

No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against

THE AMERICAN BENCH—1985/86

OREGON

unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.—

Sec. 10. Administration of justice.

No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.—

Sec. 11. Rights of accused in criminal prosecution.

In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing; provided, however, that in the circuit court ten members of the jury may render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree murder, which shall be found only by a unanimous verdict, and not otherwise; provided further, that the existing laws and constitutional provisions relative to criminal prosecutions shall be continued and remain in effect as to all prosecutions for crimes committed before the taking effect of this amendment.

Sec. 12. Double jeopardy; compulsory self-incrimination.

No person shall be put in jeopardy twice for the same offence (sic), nor be compelled in any criminal prosecution to testify against himself.—

Sec. 13. Treatment of arrested or confined persons.

No person arrested, or confined in jail, shall be treated with unnecessary rigor.—

Sec. 14. Bailable offenses.

Offences (sic), except murder, and treason, shall be bailable by sufficient sureties. Murder or treason, shall not be bailable, when the proof is evident, or the presumption strong.—

Sec. 15. Reformation the basis of criminal law.

Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice.—

Sec. 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case.

Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.—In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the Court as to the law, and the right of new trial, as in civil cases.

Sec. 17. Jury trial in civil cases.

In all civil cases the right of Trial by Jury shall remain inviolate.—

Sec. 18. Private property or services taken for public use.

Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use.

Sec. 19. Imprisonment for debt.

There shall be no imprisonment for debt, except in case of fraud or absconding debtors.—

Sec. 20. Equality of privileges and immunities of citizens.

No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.—

Sec. 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors.

No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that laws locating the Capitol of the State, locating County Seats, and submitting town, and corporate acts, and other local, and Special laws may take effect, or not, upon a vote of the electors interested.—

Sec. 22. Suspension of operation of laws.

The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

Sec. 23. Habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion the public safety require it.—

Sec. 24. Treason.

Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court.—

Sec. 25. Corruption of blood or forfeiture of estate.

No conviction shall work corruption of blood, or forfeiture of estate.—

Sec. 26. Assemblages of people; instruction of representative; application to legislature.

No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing

OREGON

their Representatives; nor from applying to the Legislature for redress of grievances (sic).—

Sec. 27. Right to bear arms; military subordinate to civil power.

The people shall have the right to bear arms for the defence (sic) of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]

Sec. 28. Quartering soldiers.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Sec. 29. Titles of nobility; hereditary distinction.

No law shall be passed granting any title of Nobility, or conferring hereditary distinctions.—

Sec. 30. Emigration.

No law shall be passed prohibiting emigration from the State.—

Sec. 31. Rights of aliens; immigration to state.

[Constitution of 1859; repeal proposed by H.J.R. 16, 1969, and adopted by people May 26, 1970]

Sec. 32. Taxes and duties; uniformity of taxation.

No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax.

Sec. 33. Enumeration of rights not exclusive.

This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people.—

Sec. 34. Slavery or involuntary servitude.

There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.—

Sec. 35. Free negroes and mulattoes.

[Added to Bill of Rights as unnumbered section by vote of people at time of adoption of the Oregon Constitution in accordance with Section 4 of Article XVIII thereof; Repeal proposed by H.J.R. No. 8, 1925, and adopted by people Nov. 2, 1926]

Sec. 36. Liquor prohibition.

[Created through initiative petition filed July 1, 1914, adopted by people Nov. 3, 1914; Repeal proposed by initiative petition filed March 20, 1933, and adopted by people July 21, 1933]

Sec. 36. Capital punishment abolished.

[Created through initiative petition filed July 2, 1914, adopted by people Nov. 3, 1914; Repeal proposed by S.J.R. No. 8, 1920 (s.s.) and adopted by people May 21, 1920, as Const. Art. I, §38]

Note: At the general election in 1914 two sections, each designated as section 36, were created and added to the Constitution by separate initiative petitions. One of these sections was the prohibition section and the other abolished capital punishment.

Sec. 36a. Prohibition of importation of liquors.

[Created through initiative petition filed July 6, 1916, adopted by people Nov. 7, 1916; Repeal proposed by initiative petition filed March 20, 1933, and adopted by people July 21, 1933]

Sec. 37. Penalty for murder in first degree.

[Created through S.J.R. No. 8, 1920, adopted by people May 21, 1920; Repeal proposed by S.J.R. No. 3, 1963, and adopted by people Nov. 3, 1964]

Sec. 38. Laws abrogated by amendment abolishing death penalty revived.

[Created through S.J.R. No. 8, 1920, adopted by people May 21, 1920; Repeal proposed by S.J.R. No. 3, 1963, and adopted by people Nov. 3, 1964]

Sec. 39. Sale of liquor by individual glass.

The State shall have power to license private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served, for the purpose of selling alcoholic liquor by the individual glass at retail, for consumption on the premises, including mixed drinks and cocktails, compounded or mixed on the premises only. The Legislative Assembly shall provide in such detail as it shall deem advisable for carrying out and administering the provisions of this amendment and shall provide adequate safeguards to carry out the original intent and purpose of the Oregon Liquor Control Act, including the promotion of temperance in the use and consumption of alcoholic beverages, encourage the use and consumption of lighter beverages and aid in the establishment of Oregon industry. This power is subject to the following:

(1) The provisions of this amendment shall take effect and be in operation sixty (60) days after the approval and adoption by the people of Oregon; provided, however, the right of a local option election exists in the counties and in any incorporated city or town containing a population of at least five hundred (500). The Legislative Assembly shall prescribe a means and procedure by which the voters of any county or incorporated city or town as limited above in any county, may through a local option election determine whether to prohibit or permit such power, and such procedure shall specifically include that whenever fifteen per cent (15%) of the registered voters of any county in the state or of any incorporated city or town as limited above, in any county in the state, shall file a petition requesting an election in this matter, the question shall be voted upon at the next regular November biennial election, provided said petition is filed not less than sixty (60) days before the day of election.

(2) Legislation relating to this matter shall operate uniformly throughout the state and all individuals shall be treated equally; and all provisions shall be liberally construed for the accomplishment of these purposes.

Sec. 40. [Capital punishment.]

Notwithstanding sections 15 and 16 of this Article, the penalty for aggravated murder as defined by law shall be death upon unanimous affirmative jury findings as provided by law and otherwise shall be life imprisonment with minimum sentence as provided by law.

PENNSYLVANIA

ARTICLE I. Declaration of Rights

- SEC. 1. Inherent Rights of Mankind
- SEC. 2. Political Powers
- SEC. 3. Religious Freedom
- SEC. 4. Religion
- SEC. 5. Elections
- SEC. 6. Trial by Jury
- SEC. 7. Freedom of Press and Speech; Libels
- SEC. 8. Security for Searches and Seizures
- SEC. 9. Rights of Accused in Criminal Prosecutions
- SEC. 10. Initiation of Criminal Proceedings; Twice in Jeopardy; Eminent Domain
- SEC. 11. Courts to be Open; Suits Against the Commonwealth
- SEC. 12. Power of Suspending Laws
- SEC. 13. Bail; Fines and Punishments
- SEC. 14. Prisoners to be Bailable; Habeas Corpus
- SEC. 15. Special Criminal Tribunals
- SEC. 16. Insolvent Debtors
- SEC. 17. Ex Post Facts (sic) Laws; Impairment of Contracts
- SEC. 18. Attainder
- SEC. 19. Attainder Limited
- SEC. 20. Right of Petition
- SEC. 21. Right to Bear Arms
- SEC. 22. Standing Army; Military Subordinate to Civil Power
- SEC. 23. Quartering of Troops
- SEC. 24. Titles and Offices
- SEC. 25. Reservation of Powers in People
- SEC. 26. No Discrimination by Commonwealth and Its Political Subdivisions
- SEC. 27. Natural Resources and the Public Estate
- SEC. 28. Prohibition Against Denial or Abridgment of Equality of Rights Because of Sex

ARTICLE I. Declaration of Rights

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT—

Sec. 1. Inherent Rights of Mankind

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Sec. 2. Political Powers

All power is inherent in the people, and all free governments are founded on their authority and instituted for

their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Sec. 3. Religious Freedom

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Sec. 4. Religion

No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Sec. 5. Elections

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. Trial by Jury

Trial by jury shall be as heretofore and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

Sec. 7. Freedom of Press and Speech; Libels

The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 8. Security from Searches and Seizures

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures,

THE AMERICAN BENCH—1985/86

PENNSYLVANIA

and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Sec. 9. Rights of Accused in Criminal Prosecutions
In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself.

Sec. 10. Initiation of Criminal Proceedings; Twice in Jeopardy; Eminent Domain
Except as hereinafter provided no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. Each of the several courts of common pleas may, with the approval of the Supreme Court, provide for the initiation of criminal proceedings therein by information filed in the manner provided by law. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Sec. 11. Courts to be Open; Suits Against the Commonwealth
All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Sec. 12. Power of Suspending Laws
No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Sec. 13. Bail; Fines and Punishments
Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 14. Prisoners to be Bailable; Habeas Corpus
All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Sec. 15. Special Criminal Tribunals
No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases.

Sec. 16. Insolvent Debtors
The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Sec. 17. Ex Post Facto Laws; Impairment of Contracts
No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Sec. 18. Attainder
No person shall be attainted of treason or felony by the Legislature.

Sec. 19. Attainder Limited
No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

Sec. 20. Right of Petition
The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Sec. 21. Right to Bear Arms
The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

Sec. 22. Standing Army; Military Subordinate to Civil Power
No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 23. Quartering of Troops
No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Sec. 24. Titles and Offices
The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Sec. 25. Reservation of Powers in People
To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

Sec. 26. No Discrimination by Commonwealth and Its Political Subdivisions
Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil

THE AMERICAN BENCH—1985/86

PENNSYLVANIA

right, nor discriminate against any person in the exercise of any civil right.

Sec. 27. Natural Resources and the Public Estate

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment, Pennsylvania's public natural resources are the common property of all the peo-

ple, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Sec. 28. Prohibition Against Denial or Abridgment of Equality of Rights Because of Sex

Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.

RHODE ISLAND

ARTICLE I. Declaration of Certain Constitutional Rights and Principles

- SEC. 1. Right of the people to make and alter their constitution
- SEC. 2. Object of government; how laws should be made and burdens distributed
- SEC. 3. Religious freedom secured
- SEC. 4. Slavery prohibited
- SEC. 5. Laws should provide remedies; justice should be free, complete, prompt
- SEC. 6. Rights of search and seizure regulated
- SEC. 7. Provisions concerning criminal proceedings
- SEC. 8. Bail, fines and punishments
- SEC. 9. Bail and habeas corpus
- SEC. 10. Rights of the accused in criminal proceedings
- SEC. 11. Debtors entitled to relief
- SEC. 12. No ex post facto law, etc., to be passed
- SEC. 13. No man to criminate himself
- SEC. 14. Presumption of innocence; accused to be secured without severity
- SEC. 15. Trial by jury
- SEC. 16. Private property secured
- SEC. 17. Rights of fishery
- SEC. 18. Military subordinate; martial law
- SEC. 19. Of quartering soldiers
- SEC. 20. Liberty of press secured; truth as a defence to libels
- SEC. 21. Right of people to assemble and to petition
- SEC. 22. Right to bear arms
- SEC. 23. Rule of construction [rights retained]

ARTICLE I. Declaration of Certain Constitutional Rights and Principles

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial, and executive proceedings.

Sec. 1. [Right of people to make and alter constitution]

In the words of the Father of his Country, we declare that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed

by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Sec. 2. [Object of government]

All free governments are instituted for the protection, safety and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens.

Sec. 3. [Religious freedom secured]

Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerable ancestors, in their migration to this country and their settlement of this state, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil state may stand and be best maintained with full liberty in religious concerns: We, therefore, declare that no man shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfillment of his own voluntary contract; nor enforced, restrained, molested, or burdened in his body or goods; nor disqualified from holding any office; nor otherwise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience, and to profess and by argument to maintain his opinion in matters of religion; and that the same shall in no wise diminish, enlarge, or affect his civil capacity.

Sec. 4. [Slavery]

Slavery shall not be permitted in this state.

Sec. 5. [Administration of justice]

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

Sec. 6. [Searches and seizures]

The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched, and the persons or things to be seized.

Sec. 7. [Provisions concerning criminal proceedings; tried twice]

No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by

THE AMERICAN BENCH—1985/86

RHODE ISLAND

a grand jury, except in cases of impeachment, or of such offences as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia (sic) when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offence.

Sec. 8. [Bails; fines; punishment]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

Sec. 9. [Bail; habeas corpus]

All persons imprisoned ought to be bailed by sufficient surety, unless for offences punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever without the authority of the general assembly.

Sec. 10. [Rights of accused]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defence, and shall be at liberty to speak for himself; nor shall he be deprived of life, liberty, or property, unless by judgement of his peers, or the law of the land.

Sec. 11. [Debtors entitled to relief]

The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 12. [Ex post facto laws; obligation of contracts]

No ex post facto law or law impairing the obligation of contracts, shall be passed.

Sec. 13. [Compelled evidence]

No man in a court of common law shall be compelled to give evidence criminating himself.

Sec. 14. [Presumption of innocence; severity of treatment]

Every man being presumed innocent, until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

Sec. 15. [Jury trial]

The right of trial by jury shall remain inviolate.

Sec. 16. [Private property secured]

Private property shall not be taken for public uses, without just compensation.

Sec. 17. [Rights of fishery]

The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state. But no new right is intended to be granted, nor any existing right impaired, by this declaration.

Sec. 18. [Military]

The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

Sec. 19. [Quartering soldiers]

No soldier shall be quartered in any house, in time of peace, without the consent of the owner; nor, in time of war, but in a manner to be described by law.

Sec. 20. [Liberty of press; libel]

The liberty of the press being essential to the security of freedom in a state, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defence to the person charged.

Sec. 21. [Right of assembly; petition]

The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address, or remonstrance.

Sec. 22. [Right to keep and bear arms]

The right of the people to keep and bear arms shall not be infringed.

Sec. 23. [Rights retained]

The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

SOUTH CAROLINA

ARTICLE I. Declaration of Rights

- SEC. 1. Political power in people
- SEC. 2. Religious freedom; freedom of right of assembly and petition
- SEC. 3. Privileges and immunities; due process; equal protection of laws
- SEC. 4. Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction
- SEC. 5. Elections free and open
- SEC. 6. Residence
- SEC. 7. Suspension of laws
- SEC. 8. Separation of powers
- SEC. 9. Courts; speedy remedy
- SEC. 10. Searches and seizures; invasions of privacy
- SEC. 11. Presentment or indictment
- SEC. 12. Double jeopardy; self incrimination
- SEC. 13. Taking private property
- SEC. 14. Trial by jury; witnesses; defense
- SEC. 15. Right of bail; excessive bail; cruel or unusual or corporal punishment; detention of witnesses
- SEC. 16. Libel
- SEC. 17. Treason
- SEC. 18. Suspension of habeas corpus
- SEC. 19. Imprisonment for debt
- SEC. 20. Right to keep and bear arms; armies; military power subordinate to civil authority; how soldiers quartered
- SEC. 21. Martial law
- SEC. 22. Procedure before administrative agencies; judicial review
- SEC. 23. Provisions of Constitution mandatory

ARTICLE I. Declaration of Rights

Sec. 1. Political power is people.

All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government.

Sec. 2. Religious freedom; freedom of speech; right of assembly and petition.

The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances.

Sec. 3. Privileges and immunities; due process; equal protection of laws.

The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be

abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Sec. 4. Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction.

No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 5. Elections free and open.

All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office.

Sec. 6. Residence.

Temporary absence from the State shall not forfeit a residence once obtained.

Sec. 7. Suspension of laws.

The power to suspend the laws shall be exercised only by the General Assembly or by its authority in particular cases expressly provided for by it.

Sec. 8. Separation of powers.

In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

Sec. 9. Courts; speedy remedy.

All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

Sec. 10. Searches and seizures; Invasions of privacy.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained.

Sec. 11. Presentment or indictment.

No person shall be held to answer for any crime where the punishment exceeds a fine of two hundred dollars or imprisonment for thirty days, unless on a presentment or indictment of a grand jury of the county where the crime

THE AMERICAN BENCH—1985/86

SOUTH CAROLINA

shall have been committed, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The General Assembly may provide for the waiver of an indictment by the accused.

Sec. 12. Double jeopardy; self incrimination.

No person shall be subject for the same offense to be twice put in jeopardy of life or liberty, nor shall any person be compelled in any criminal case to be a witness against himself.

Sec. 13. Taking private property.

Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made therefor.

Sec. 14. Trial by jury; witnesses; defense.

The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both.

Sec. 15. Right of bail; excessive bail; cruel or unusual or corporal punishment; detention of witnesses.

All persons shall, before conviction, be bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required; nor shall excessive fines be imposed; nor shall cruel, nor corporal, nor unusual punishment be inflicted; nor shall witnesses be unreasonably detained.

Sec. 16. Libel.

In all indictments or prosecutions for libel, the truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and facts.

Sec. 17. Treason.

Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State. No person shall be held guilty of treason, except

upon testimony of at least two witnesses to the same overt act, or upon confession in open court.

Sec. 18. Suspension of habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended unless when, in case of insurrection, rebellion or invasion, the public safety may require it.

Sec. 19. Imprisonment for debt.

No person shall be imprisoned for debt except in cases of fraud.

Sec. 20. Right to keep and bear arms; armies; military power subordinate to civil authority; how soldiers quartered.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner nor in time of war but in the manner prescribed by law.

Sec. 21. Martial law.

No person shall in any case be subject to martial law or to any pains or penalties by virtue of that law, except those employed in the armed forces of the United States, and except the militia in actual service, but by the authority of the General Assembly.

Sec. 22. Procedure before administrative agencies; judicial review.

No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review.

Sec. 23. Provisions of Constitution mandatory.

The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms.

SOUTH DAKOTA

ARTICLE VI. Bill of Rights

- SEC. 1. Inherent rights
- SEC. 2. Due process; right to work
- SEC. 3. Religious freedom
- SEC. 4. Right of petition and assembly
- SEC. 5. Freedom of speech; libel
- SEC. 6. Trial by jury
- SEC. 7. Rights of accused
- SEC. 8. Bail; habeas corpus
- SEC. 9. Self-incrimination; double jeopardy
- SEC. 10. Indictment
- SEC. 11. Search and seizure
- SEC. 12. Ex post facto laws; impairing obligation of contract
- SEC. 13. Eminent domain
- SEC. 14. Aliens may own property
- SEC. 15. Imprisonment for debt
- SEC. 16. Military subordinate to civil; quartering of soldiers
- SEC. 17. Taxation
- SEC. 18. Equal protection
- SEC. 19. Elections
- SEC. 20. Open courts; judicial remedies
- SEC. 21. Suspension of laws
- SEC. 22. Bills of attainder
- SEC. 23. Excessive bail; cruel and unusual punishment
- SEC. 24. Right to bear arms
- SEC. 25. Treason
- SEC. 26. Inherent powers of people
- SEC. 27. Fundamental principles

ARTICLE VI. Bill of Rights

Sec. 1. Inherent rights.

All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 2. Due process—Right to work.

No person shall be deprived of life, liberty or property without due process of law. The right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union, or labor organization.

Sec. 3. Freedom of religion—Support of religion prohibited.

The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied

any civil or political right, privilege or position on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the state.

No person shall be compelled to attend or support any ministry or place of worship against his consent nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution.

Sec. 4. Right of petition and peaceable assembly.

The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.

Sec. 5. Freedom of speech—Truth as defense—Jury trial.

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

Sec. 6. Jury trial—Reduced jury—Three-fourths vote.

The right of trial by jury shall remain inviolate and shall extend to all cases at law without regard to the amount in controversy, but the Legislature may provide for a jury of less than twelve in any court not a court of record and for the decision of civil cases by three-fourths of the jury in any court.

Sec. 7. Rights of accused.

In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 8. Right to bail—Habeas corpus.

All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

THE AMERICAN BENCH—1985/86

SOUTH DAKOTA

Sec. 9. Self-incrimination—Double jeopardy.

No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

Sec. 10. Indictment or information—Modification or abolishment of grand jury.

No person shall be held for a criminal offense unless on the presentment or indictment of a grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by county courts, by justices of the peace, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: provided, that the grand jury may be modified or abolished by law.

Sec. 11. Search and seizure.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Sec. 12. Ex post facto laws—Impairment of contract obligations—Privilege or immunity.

No ex post facto law, or law impairing the obligation of contracts or making any irrevocable grant of privilege, franchise or immunity, shall be passed.

Sec. 13. Private property not taken without just compensation—Benefit to owner—Fee in highways.

Private property shall not be taken for public use, or damaged, without just compensation, which will be determined according to legal procedure established by the Legislature and according to § 6 of this article. No benefit which may accrue to the owner as the result of an improvement made by any private corporation shall be considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners, subject to the use for which it is taken.

Sec. 14. Resident aliens' property rights.

No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

Sec. 15. Imprisonment for debt.

No person shall be imprisoned for debt arising out of or founded upon a contract.

Sec. 16. Military subordinate to civil power—Quartering of soldiers.

The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 17. Taxation without consent—Uniformity.

No tax or duty shall be imposed without the consent of the people or their representatives in the Legislature, and all taxation shall be equal and uniform.

Sec. 18. Equal privileges or immunities.

No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Sec. 19. Free and equal elections—Right of suffrage—Soldier voting.

Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the state, under regulations to be prescribed by the Legislature.

Sec. 20. Courts open—Remedy for injury.

All courts shall be open, and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice, administered without denial or delay.

Sec. 21. Suspension of laws prohibited.

No power of suspending laws shall be exercised, unless by the Legislature or its authority.

Sec. 22. Attainder by Legislature prohibited.

No person shall be attainted of treason or felony by the Legislature.

Sec. 23. Excessive bail or fines—Cruel punishments.

Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted.

Sec. 24. Right to bear arms.

The right of the citizens to bear arms in defense of themselves and the state shall not be denied.

Sec. 25. Treason.

Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

Sec. 26. Power inherent in people—Alteration in form of government—Inseparable part of Union.

All political power is inherent in the people, and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the state of South Dakota is an inseparable part of the American Union and the Constitution of the United States is the supreme law of the land.

Sec. 27. Maintenance of free government—Fundamental principles.

The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue and by frequent recurrence to fundamental principles.

TENNESSEE

ARTICLE I. Declaration of Rights

- SEC. 1. All power inherent in the people — Government under their control
- SEC. 2. Doctrine of nonresistance condemned
- SEC. 3. Freedom of Worship
- SEC. 4. No religious or political test
- SEC. 5. Elections to be free and equal — Right of Suffrage
- SEC. 6. Trial by jury — Qualifications of jurors
- SEC. 7. Unreasonable Searches and Seizures — General warrants
- SEC. 8. No man to be disturbed but by law
- SEC. 9. Right of the accused in criminal prosecutions
- SEC. 10. Double jeopardy prohibited
- SEC. 11. No ex post facto laws
- SEC. 12. No corruption of blood or forfeiture of estates
- SEC. 13. Treatment after arrest
- SEC. 14. Prerequisites to criminal charge
- SEC. 15. Bailable offenses — Habeas corpus
- SEC. 16. Restrictions on bail, fines, and punishment
- SEC. 17. Open courts — Redress of injuries — Suits against the State
- SEC. 18. No imprisonment for debt
- SEC. 19. Freedom of speech and press
- SEC. 20. No retrospective law
- SEC. 21. No man's services or property taken without consent or compensation
- SEC. 22. No perpetuities or monopolies
- SEC. 23. Right of assembly
- SEC. 24. Militia — Civil authority
- SEC. 25. Martial law — Punishment
- SEC. 26. Right to bear arms — Regulations
- SEC. 27. Quartering soldiers
- SEC. 28. No one compelled to bear arms
- SEC. 29. Navigation of the Mississippi
- SEC. 30. No hereditary honors
- SEC. 31. Boundaries of the State
- SEC. 32. Prisons and prisoners
- SEC. 33. Slavery prohibited
- SEC. 34. Right of property in man

ARTICLE I. Declaration of Rights

Sec. 1. [Power inherent in the people]

That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

Sec. 2. [Doctrine of nonresistance condemned]

That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Sec. 3. [Freedom of worship]

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

Sec. 4. [Political or religious test]

That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this state.

Sec. 5. [Free and equal elections; suffrage]

That elections shall be free and equal, and the right to suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.

Sec. 6. [Jury trial; religious or political tests for jurors prohibited]

That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

Sec. 7. [Searches and seizures]

That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not be granted.

Sec. 8. [No person to be disturbed but by law]

That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

THE AMERICAN BENCH—1985/86

TENNESSEE

Sec. 9. [Rights of the accused]

That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the County in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Sec. 10. [Double jeopardy prohibited]

That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Sec. 11. [Ex post facto laws prohibited]

That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free Government; wherefore no *Ex post facto* law shall be made.

Sec. 12. [No corruption of blood or forfeiture of estates]

That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Sec. 13. [Treatment after arrest]

That no person arrested and confined in jail shall be treated with unnecessary rigor.

Sec. 14. [Indictment and criminal charge]

That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.

Sec. 15. [Bail; habeas corpus]

That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. And the privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

Sec. 16. [Bail; fines; punishment]

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 17. [Open courts; redress for injuries; suits against State]

That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.

Sec. 18. [Imprisonment for debt]

The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

Sec. 19. [Freedom of printing and expression; libel]

That the printing press shall be free to every person to examine the proceedings of the Legislature; or of any branch or officer of the government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

Sec. 20. [Retrospective laws prohibited; obligation of contracts]

That no retrospective law, or law impairing the obligations of contracts, shall be made.

Sec. 21. [No services or property taken without consent or compensation]

That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

Sec. 22. [No perpetuities or monopolies]

That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

Sec. 23. [Right of assembly; petition]

That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address of remonstrance.

Sec. 24. [Military]

That the sure and certain defense of a free people, is a well regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

Sec. 25. [Martial law]

That no citizen of this State, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to punishment under the martial or military law. That martial law, in the sense of the unrestricted power of military officers, or others, to dispose of the persons, liberties or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this State.

Sec. 26. [Right to keep and bear arms]

That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

THE AMERICAN BENCH—1985/86

TENNESSEE

Sec. 27. [Quartering soldiers]

That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 28. [No one compelled to bear arms]

That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

Sec. 29. [Navigation of the Mississippi]

That an equal participation in the free navigation of the Mississippi, is one of the inherent rights of the citizens of this State; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

Sec. 30. [Emoluments; privileges; honors]

That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

Sec. 31. [Boundaries of state]

That the limits and boundaries of this State being ascertained, it is declared they are as hereafter mentioned, that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain, to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to the place where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of said mountain to the Painted Rock on French Broad river; thence along the highest ridge of said mountain, to the place

where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands and waters lying west of said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights and Constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory north west of Ohio; Provided, nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession act; And provided also, that the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired, by compact or agreement with other States, or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

Sec. 32. [Prisons and prisoners]

That the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for.

Sec. 33. [Slavery; involuntary servitude]

That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.

Sec. 34. [Right of property in man]

The General Assembly shall make no law recognizing the right of property in man.

TEXAS

ARTICLE I. Bill of Rights

SEC. 1. Freedom and Sovereignty of State

SEC. 2. Inherent Political Power; Republican Form of Government

SEC. 3. Equal Rights

SEC. 3a. Untitled

SEC. 4. Religious Tests

SEC. 5. Witnesses not Disqualified by Religious Beliefs; Oaths and Affirmations

SEC. 6. Freedom of Worship

SEC. 7. Appropriations for Sectarian Purposes

SEC. 8. Freedom of Speech and Press; Libel

SEC. 9. Searches and Seizures

SEC. 10. Rights of Accused in Criminal Prosecutions

SEC. 11. Bail

SEC. 11a. Multiple Convictions; Denial of Bail

SEC. 12. Habeas Corpus

SEC. 13. Excessive Bail or Fines; Cruel and Unusual Punishment; Remedy by Due Course of Law

SEC. 14. Double Jeopardy

SEC. 15. Right to Trial by Jury

SEC. 15a. Commitment of Persons of Unsound Mind

SEC. 16. Bills of Attainder; Ex Post Facto or Retroactive Laws; Impairing Obligation of Contracts

SEC. 17. Taking, Damaging or Destroying Property for Public Use; Special Privileges and Immunities; Control of Privileges and Franchises

SEC. 18. Imprisonment for Debt

SEC. 19. Deprivation of Life, Liberty, Etc.; Due Course of Law

SEC. 20. Outlawry or Transportation for Offense

SEC. 21. Corruption of Blood; Forfeiture; Suicides

SEC. 22. Treason

SEC. 23. Right to Keep and Bear Arms

SEC. 24. Military Subordinate to Civil Authority

SEC. 25. Quartering Soldiers in Houses

SEC. 26. Perpetuities and Monopolies; Primogeniture or Entailments

SEC. 27. Right of Assembly; Petition for Redress of Grievances

SEC. 28. Suspension of Laws

SEC. 29. Provisions of Bill of Rights Excepted from Powers of Government; to Forever Remain Inviolable

ARTICLE I. Bill of Rights

That the general, great and essential principles of liberty

and free government may be recognized and established, we declare:

Sec. 1. Freedom and Sovereignty of State.

Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

Sec. 2. Inherent Political Power; Republican Form of Government.

All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Sec. 3. Equal Rights.

All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

Sec. 3a. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.

Sec. 4. Religious Tests.

No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Sec. 5. Witnesses not Disqualified by Religious Beliefs; Oaths and Affirmations.

No person shall be disqualified to give evidence in any of the Courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Sec. 6. Freedom of Worship.

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any

TEXAS

case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 7. Appropriations for Sectarian Purposes.

No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

Sec. 8. Freedom of Speech and Press; Libel.

Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 9. Searches and Seizures.

The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Sec. 10. Rights of Accused in Criminal Prosecutions.

In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

Sec. 11. Bail.

All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail

after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

Sec. 11a. Multiple Convictions; Denial of Bail.

Any person (1) accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor, (2) accused of a felony less than capital in this State, committed while on bail for a prior felony for which he has been indicted, or (3) accused of a felony less than capital in this State involving the use of a deadly weapon after being convicted of a prior felony, after a hearing, and upon evidence substantially showing the guilt of the accused of the offense in (1) or (3) above or of the offense committed while on bail in (2) above, may be denied bail pending trial, by a district judge in this State, if said order denying bail pending trial is issued within seven calendar days subsequent to the time of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above or the accusation and indictment used under (2) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.

Sec. 12. Habeas Corpus.

The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

Sec. 13. Excessive Bail or Fines; Cruel and Unusual Punishment; Remedy by Due Course of Laws.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

Sec. 14. Double Jeopardy.

No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense, after a verdict of not guilty in a court of competent jurisdiction.

Sec. 15. Right of Trial by Jury.

The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the County Court without the necessity of a trial by jury.

Sec. 15a. Commitment of Persons of Unsound Mind.

No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony.

THE AMERICAN BENCH—1985/86

TEXAS

The Legislature may enact all laws necessary to provide for the trial, adjudication of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of either the County or Probate Court of the county where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury.

Sec. 16. Bills of Attainder; Ex Post Facto or Retroactive Laws; Impairing Obligation of Contracts.

No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Sec. 17. Taking, Damaging or Destroying Property for Public Use; Special Privileges and Immunities; Control of Privileges and Franchises.

No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

Sec. 18. Imprisonment for Debt.

No person shall ever be imprisoned for debt.

Sec. 19. Deprivation of Life, Liberty, etc.; Due Course of Law.

No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Sec. 20. Outlawry or Transportation for Offense.

No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

Sec. 21. Corruption of Blood; Forfeiture; Suicides.

No conviction shall work corruption of blood, or forfei-

ture of estate, and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

Sec. 22. Treason.

Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 23. Right to Keep and Bear Arms.

Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

Sec. 24. Military Subordinate to Civil Authority.

The military shall at all times be subordinate to the civil authority.

Sec. 25. Quartering Soldiers in Houses.

No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 26. Perpetuities and Monopolies; Primogeniture or Entailments.

Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 27. Right of Assembly; Petition for Redress of Grievances.

The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Sec. 28. Suspension of Laws.

No power of suspending laws in this State shall be exercised except by the Legislature.

Sec. 29. Provisions of Bill of Rights Excepted From Powers of Government; To Forever Remain Inviolable.

To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolable, and all laws contrary thereto, or to the following provisions, shall be void.

UTAH

ARTICLE I. Declaration of Rights

- SEC. 1. Inherent and inalienable right
- SEC. 2. All political power inherent in the people
- SEC. 3. Utah inseparable from the Union
- SEC. 4. Religious liberty
- SEC. 5. Habeas corpus
- SEC. 6. Right to bear arms
- SEC. 7. Due process of law
- SEC. 8. Offenses bailable
- SEC. 9. Excessive bail and fines. Cruel punishments
- SEC. 10. Trial by jury
- SEC. 11. Courts open. Redress of injuries
- SEC. 12. Rights of accused persons
- SEC. 13. Prosecution by information or indictment. Grand jury
- SEC. 14. Unreasonable searches forbidden. Issuance of warrant
- SEC. 15. Freedom of speech and of the press. Libel
- SEC. 16. No imprisonment for debt. Exception
- SEC. 17. Elections to be free. Soldiers voting
- SEC. 18. Attainder. Ex post facto laws. Impairing contracts
- SEC. 19. Treason defined. Proof
- SEC. 20. Military subordinate to the civil power
- SEC. 21. Slavery forbidden
- SEC. 22. Private property for public use
- SEC. 23. Irrevocable franchise forbidden
- SEC. 24. Uniform operation of laws
- SEC. 25. Rights retained by people
- SEC. 26. Provisions mandatory and prohibitory
- SEC. 27. Fundamental rights

ARTICLE I. Declaration of Rights

Sec. 1. [Inherent and inalienable right.]

All men have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

Sec. 2. [All political power inherent in the people.]

All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

Sec. 3. [Utah inseparable from the Union.]

The State of Utah is an inseparable part of the Federal

Union, and the Constitution of the United States is the supreme law of the land.

Sec. 4. [Religious liberty.]

The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment. No property qualification shall be required of any person to vote, or hold office, except as provided in this Constitution.

Sec. 5. [Habeas corpus.]

The privilege of the writ of *habeas corpus* shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it.

Sec. 6. [Right to bear arms.]

The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the State, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the legislature from defining the lawful use of arms.

Sec. 7. [Due process of law.]

No person shall be deprived of life, liberty or property, without due process of law.

Sec. 8. [Offenses bailable.]

All prisoners shall be bailable by sufficient sureties, except for capital offense, when the proof is evident or the presumption strong or where a person is accused of the commission of a felony while on probation or parole, or while free on bail awaiting trial on a previous felony charge, and where the proof is evident or the presumption strong.

Sec. 9. [Excessive bail and fines. Cruel punishments.]

Excessive bail shall not be required; excessive fines shall not be imposed, nor shall cruel and unusual punishments be inflicted. Persons arrested or imprisoned shall not be treated with unnecessary rigor.

Sec. 10. [Trial by jury.]

In capital cases the right of trial by jury shall remain inviolate. In courts of general jurisdiction, except in capital

THE AMERICAN BENCH—1985/86

UTAH

cases, a jury shall consist of eight jurors. In courts of inferior jurisdiction a jury shall consist of four jurors. In criminal cases the verdict shall be unanimous. In civil cases three-fourths of the jurors may find a verdict. A jury in civil cases shall be waived unless demanded.

Sec. 11. [Courts open. Redress of injuries.]

All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

Sec. 12. [Rights of accused persons.]

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to be confronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself; a wife shall not be compelled to testify against her husband; nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.

Sec. 13. [Prosecution by information or indictment. Grand jury.]

Offenses heretofore required to be prosecuted by indictment, shall be prosecuted by information after examination and commitment by a magistrate, unless the examination be waived by the accused with the consent of the State, or by indictment, with or without such examination and commitment. The formation of the grand jury and the powers and duties thereof shall be as prescribed by the Legislature.

Sec. 14. [Unreasonable searches forbidden. Issuance of warrant.]

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched and the person or thing to be seized.

Sec. 15. [Freedom of speech and of the press. Libel.]

No law shall be passed to abridge or restrain the freedom of speech or of the press. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and

for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 16. [No imprisonment for debt. Exception.]

There shall be no imprisonment for debt except in cases of absconding debtors.

Sec. 17. [Elections to be free. Soldiers voting.]

All elections shall be free, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers, in time of war, may vote at their post of duty, in or out of the State, under regulations to be prescribed by law.

Sec. 18. [Attainder, Ex post facto laws. Impairing contracts.]

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be passed.

Sec. 19. [Treason defined. Proof.]

Treason against the State shall consist only in levying war against it, or in adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act.

Sec. 20. [Military subordinate to the civil power.]

The military shall be in strict subordination to the civil power, and no soldier in time of peace, shall be quartered in any house without the consent of the owner; nor in time of war except in a manner to be prescribed by law.

Sec. 21. [Slavery forbidden.]

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within this State.

Sec. 22. [Private property or public use.]

Private property shall not be taken or damaged for public use without just compensation.

Sec. 23. [Irrevocable franchises forbidden.]

No law shall be passed granting irrevocably any franchise, privilege or immunity.

Sec. 24. [Uniform operation of laws.]

All laws of a general nature shall have uniform operation.

Sec. 25. [Rights retained by people.]

This enumeration of rights shall not be construed to impair or deny others retained by the people.

Sec. 26. [Provisions mandatory and prohibitory.]

The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Sec. 27. [Fundamental rights.]

Frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

VERMONT

CHAPTER I. A Declaration of the Rights of the Inhabitants of the state of Vermont

- ART. 1st. All men born free; natural rights.**
No slavery.
- ART. 2nd. Private property, public use of.**
- ART. 3rd. Religious freedom and worship.**
- ART. 4th. Remedy at law.**
- ART. 5th. Internal Police.**
- ART. 6th. Officers servants of the people.**
- ART. 7th. Government for the people; they may change it.**
- ART. 8th. Elections. Freeman's rights therein.**
- ART. 9th. Citizens' rights and duties in the state.**
Bearing arms. Taxation.
- ART. 10th. Rights of accused. Personal liberty.**
Waiver of jury trial.
- ART. 11th. Search [or] seizure regulated.**
- ART. 12th. Trial by jury.**
- ART. 13th. Freedom of speech and the press.**
- ART. 14th. Legislator's immunity.**
- ART. 15th. Legislature only may suspend laws.**
- ART. 16th. Right to bear arms; standing armies; civil power to govern.**
- ART. 17th. Martial law restricted.**
- ART. 18th. Regard to fundamental principles and virtues.**
- ART. 19th. Right to emigrate.**
- ART. 20th. Right to assemble, instruct, and petition.**
- ART. 21st. No transportation for trial.**

CHAPTER I. A Declaration of the Rights of the Inhabitants of the State of Vermont

Art. 1st. [People Born Free; Natural Rights; No Slavery]

That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years, unless he is bound by his own consent, after he arrives to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

Art. 2nd. [Private Property, Public Use of]

That private property ought to be subservient to public uses when necessity requires it, nevertheless, whenever

any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

Art. 3rd. [Religious Freedom and Worship]

That all men have a natural and unalienable right, to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God: and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculia[r] mode of religious worship; and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of christians ought to observe the sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

Art. 4th. [Remedy at Law; Administration of Justice]

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Art. 5th. [Internal Police]

That the people of this state by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

Art. 6th. [Government Officers as Servants of The People]

That all power being originally inherent in and co[n]sequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants; and at all times, in a legal way, accountable to them.

Art. 7th. [Object of Government; Right to Change]

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible

THE AMERICAN BENCH—1985/86

VERMONT

right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

Art. 8th. [Free Elections; Suffrage]

That all elections ought to be free and without corruption, and that all freemen, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

Art. 9th. [Rights and Duties; Bearing Arms; Taxation]

That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto, but no part of any person's property can be justly taken from him, or applied to public uses, without his own consent, or that of the Representative Body of the freemen, nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good: and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to community than the money would be if not collected.

Art. 10th. [Rights of Accused; Law of the Land]

That in all prosecutions for criminal offenses, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers; provided, nevertheless, in criminal prosecutions for offenses not punishable by death, the accused, with the consent of the prosecuting officer entered of record, may in open court or by a writing signed by him and filed with the court, waive his right to a jury trial and submit the issue of his guilt to the determination and judgment of the court without a jury.

Art. 11th. [Search or Seizure]

That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

Art. 12th. [Trial by Jury]

That when any issue in fact, proper for the cognizance of

a jury is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

Art. 13th. [Freedom of Speech and Press]

That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

Art. 14th. [Legislator's Immunity in Debate]

The freedom of deliberation, speech, and debate, in the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Art. 15th. [Legislature Only May Suspend Laws]

The power of suspending laws, or the execution of laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the Legislature shall provide for.

Art. 16th. [Right to Bear Arms; Standing Armies; Military]

That the people have a right to bear arms for the defence of themselves and the State — and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

Art. 17th. [Martial Law Restricted]

That no person in this state can in any case be subjected to law martial, or to any penalties or pains by virtue of that law except those employed in the army, and the militia in actual service.

Art. 18th. [Regard to Fundamental Principles and Virtues]

That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the State.

Art. 19th. [Right to Emigrate]

That all people have a natural and inherent right to emigrate from one state to another that will receive them.

Art. 20th. [Right to Assemble, Instruct and Petition]

That the people have a right to assemble together to consult for their common good — to instruct their Representatives — and to apply to the Legislature for redress of grievances, by address, petition or remonstrance.

Art. 21st. [No Transportation for Trial]

That no person shall be liable to be transported out of this state for trial for any offense committed within the same.

VIRGINIA

ARTICLE I. Bill of Rights

- SEC. 1. Equality and rights of men.
- SEC. 2. People the source of power.
- SEC. 3. Government instituted for common benefit.
- SEC. 4. No exclusive emoluments or privileges; offices not to be hereditary.
- SEC. 5. Separation of legislative, executive, and judicial departments; periodical elections.
- SEC. 6. Free elections; consent of governed.
- SEC. 7. Laws should not be suspended.
- SEC. 8. Criminal prosecutions.
- SEC. 9. Prohibition of excessive bail and fines, cruel and unusual punishment, suspension of habeas corpus, bills of attainder, and ex post facto laws.
- SEC. 10. General warrants of search or seizure prohibited.
- SEC. 11. Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.
- SEC. 12. Freedom of speech and of the press; right peaceably to assemble, and to petition.
- SEC. 13. Militia; standing armies; military subordinate to civil power.
- SEC. 14. Government should be uniform.
- SEC. 15. Qualities necessary to preservation of free government.
- SEC. 16. Free exercise of religion; no establishment of religion.
- SEC. 17. Construction of the Bill of Rights.

ARTICLE I. Bill of Rights

A DECLARATION OF RIGHTS made by the good people of Virginia in the exercise of their sovereign powers, which rights do pertain to them and their posterity, as the basis and foundation of government.

Sec. 1. Equality and rights of men.

That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Sec. 2. People the source of power.

That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.

Sec. 3. Government instituted for common benefit.

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

Sec. 4. No exclusive emoluments or privileges; offices not to be hereditary.

That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

Sec. 5. Separation of legislative, executive, and judicial departments; periodical elections.

That the legislative, executive and judicial departments of the Commonwealth should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Sec. 6. Free elections; consent of governed.

That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

Sec. 7. Laws should not be suspended.

That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 8. Criminal prosecutions.

That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted

VIRGINIA

with the accusers and witnesses, and to call for evidence in his favor, and he shall enjoy the right to a speedy and public trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers, nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

Laws may be enacted providing for the trial of offenses not felonious by a court not of record without a jury, preserving the right of the accused to an appeal to and a trial by jury in some court of record having original criminal jurisdiction. Laws may also provide for juries consisting of less than twelve, but not less than five, for the trial of offenses not felonious, and may classify such cases, and prescribe the number of jurors for each class.

In criminal cases, the accused may plead guilty. If the accused plead not guilty, he may, with his consent and the concurrence of the Commonwealth's Attorney and of the court entered of record, be tried by a smaller number of jurors, or waive a jury. In case of such waiver or plea of guilty, the court shall try the case.

The provisions of this section shall be self-executing.

Sec. 9. Prohibition of excessive bail and fines, cruel and unusual punishment, suspension of habeas corpus, bills of attainder, and ex post facto laws.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; that the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require; and that the General Assembly shall not pass any bill of attainder, or any ex post facto law.

Sec. 10. General warrants of search or seizure prohibited.

That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Sec. 11. Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.

That no person shall be deprived of his life, liberty, or property without due process of law; that the General Assembly shall not pass any law impairing the obligation of contracts, nor any law whereby private property shall be taken or damaged for public uses, without just compensation, the term "public uses" to be defined by the General Assembly; and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.

That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five.

Sec. 12. Freedom of speech and of the press; right peaceably to assemble, and to petition.

That the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; that the General Assembly shall not pass any law abridging the freedom of speech or of the press, nor the right of the people peaceably to assemble, and to petition the government for the redress of grievances.

Sec. 13. Militia; standing armies; military subordinate to civil power.

That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Sec. 14. Government should be uniform.

That the people have a right to uniform government; and, therefore, that no government, separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Sec. 15. Qualities necessary to preservation of free government.

That no free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights, and that such rights cannot be enjoyed save in a society where law is respected and due process is observed.

That free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.

Sec. 16. Free exercise of religion; no establishment of religion.

That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer

THE AMERICAN BENCH—1985/86

VIRGINIA

any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instruc-

tor, and to make for his support such private contract as he shall please.

Sec. 17. Construction of the Bill of Rights.

The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

WASHINGTON

ARTICLE I. Declaration of Rights

- SEC. 1. Political power.
- SEC. 2. Supreme law of the land.
- SEC. 3. Personal rights.
- SEC. 4. Right of petition and assemblage.
- SEC. 5. Freedom of speech.
- SEC. 6. Oaths — Mode of administering.
- SEC. 7. Invasion of private affairs or home prohibited.
- SEC. 8. Irrevocable privilege, franchise or immunity prohibited.
- SEC. 9. Rights of accused persons.
- SEC. 10. Administration of justice.
- SEC. 11. Religious freedom.
- SEC. 12. Special privileges and immunities prohibited.
- SEC. 13. Habeas corpus.
- SEC. 14. Excessive bail, fines and punishments.
- SEC. 15. Convictions, effect of.
- SEC. 16. Eminent domain.
- SEC. 17. Imprisonment for debt.
- SEC. 18. Military power, limitation of.
- SEC. 19. Freedom of elections.
- SEC. 20. Bail, when authorized.
- SEC. 21. Trial by jury.
- SEC. 22. Rights of the accused.
- SEC. 23. Bill of attainder, ex post facto law, etc.
- SEC. 24. Right to bear arms.
- SEC. 25. Prosecution by information.
- SEC. 26. Grand jury.
- SEC. 27. Treason, defined, etc.
- SEC. 28. Hereditary privileges abolished.
- SEC. 29. Constitution mandatory.
- SEC. 30. Rights reserved.
- SEC. 31. Standing army.
- SEC. 32. Fundamental principles.
- SEC. 33. Recall of elective officers.
- SEC. 34. Same.

ARTICLE I. Declaration of Rights

Sec. 1. Political power.

All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Sec. 2. Supreme law of the land.

The Constitution of the United States is the supreme law of the land.

Sec. 3. Personal rights.

No person shall be deprived of life, liberty, or property, without due process of law.

Sec. 4. Right of petition and assemblage.

The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

Sec. 5. Freedom of speech.

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

Sec. 6. Oaths — Mode of administering.

The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

Sec. 7. Invasion of private affairs or home prohibited.

No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Sec. 8. Irrevocable privilege, franchise or immunity prohibited.

No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

Sec. 9. Rights of accused persons.

No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Sec. 10. Administration of justice.

Justice in all cases shall be administered openly, and without unnecessary delay.

Sec. 11. Religious freedom.

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: *Provided, however,* That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

THE AMERICAN BENCH—1985/86

WASHINGTON

Sec. 12. Special privileges and immunities prohibited.

No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.

Sec. 13. Habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it.

Sec. 14. Excessive bail, fines and punishments.

Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Sec. 15. Convictions, effect of.

No conviction shall work corruption of blood, nor forfeiture of estate.

Sec. 16. Eminent domain.

Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: *Provided*, That the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use.

Sec. 17. Imprisonment for debt.

There shall be no imprisonment for debt, except in cases of absconding debtors.

Sec. 18. Military power, limitation of.

The military shall be in strict subordination to the civil power.

Sec. 19. Freedom of elections.

All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 20. Bail, when authorized.

All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great.

Sec. 21. Trial by jury.

The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than

twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Sec. 22. Rights of the accused.

In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: *Provided*, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Sec. 23. Bill of attainder, ex post facto law, etc.

No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

Sec. 24. Right to bear arms.

The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

Sec. 25. Prosecution by information.

Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.

Sec. 26. Grand jury.

No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

Sec. 27. Treason, defined, etc.

Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 28. Hereditary privileges abolished.

No hereditary emoluments, privileges, or power, shall be granted or conferred in this state.

Sec. 29. Constitution mandatory.

The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

THE AMERICAN BENCH—1985/86

WASHINGTON

Sec. 30. Rights reserved.

The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

Sec. 31. Standing army.

No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Sec. 32. Fundamental principles.

A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

Sec. 33. Recall of elective officers.

Every elective public officer of the state of Washington except [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be com-

puted from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.

Sec. 34. Same.

The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: *Provided*, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent.

WEST VIRGINIA

ARTICLE III. Bill of Rights

- SEC. 1. Inherent Rights
- SEC. 2. Magistrates Servants of People
- SEC. 3. Rights Reserved to People
- SEC. 4. Writ of Habeas Corpus
- SEC. 5. Excessive Bail not Required
- SEC. 6. Unreasonable Searches and Seizures Prohibited
- SEC. 7. Freedom of Speech and Press Guaranteed
- SEC. 8. Relating to Civil Suits for Libel
- SEC. 9. Private Property, How Taken
- SEC. 10. Safeguards for Life, Liberty and Property
- SEC. 11. Political Tests Condemned
- SEC. 12. Military Subordinate to Civil Power
- SEC. 13. Right of Jury Trial
- SEC. 14. Trial of Crimes — Provisions in Interest of Accused
- SEC. 15. Religious Freedom Guaranteed
- SEC. 15A. Public Meditation
- SEC. 16. Right of Public Assembly Held Inviolate
- SEC. 17. Courts Open to All — Justice Administered Speedily
- SEC. 18. Conviction Not to Work Corruption of Blood or Forfeiture
- SEC. 19. Hereditary Emoluments, etc., Provided Against
- SEC. 20. Preservation of Free Government
- SEC. 21. Jury Service for Women

ARTICLE III. Bill of Rights

Sec. 1. Inherent Rights

All men are, by nature, equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely: The enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety.

Sec. 2. Magistrates Servants of People

All power is vested in, and consequently derived from, the people. Magistrates are their trustees and servants, and at all times amenable to them.

Sec. 3. Rights Reserved to People

Government is instituted for the common benefit, protection and security of the people, nation or community. Of all its various forms that is the best, which is capable of producing the greatest degree of happiness and safety, and

is most effectually secured against the danger of maladministration; and when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter or abolish it in such manner as shall be judged most conducive to the public weal.

Sec. 4. Writ of Habeas Corpus

The privilege of the writ of *habeas corpus* shall not be suspended. No person shall be held to answer for treason, felony or other crime, not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill of attainder, *ex post facto law*, or law impairing the obligation of a contract, shall be passed.

Sec. 5. Excessive Bail Not Required

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. Penalties shall be proportioned to the character and degree of the offense. No person shall be transported out of, or forced to leave the State for any offense committed within the same; nor shall any person, in any criminal case, be compelled to be a witness against himself, or be twice put in jeopardy of life or liberty for the same offense.

Sec. 6. Unreasonable Searches and Seizures Prohibited

The rights of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized.

Sec. 7. Freedom of Speech and Press Guaranteed

No law abridging the freedom of speech, or of the press, shall be passed; but the Legislature may, by suitable penalties, restrain the publication or sale of obscene books, papers, or pictures, and provide for the punishment of libel, and defamation of character, and for the recovery, in civil actions, by the aggrieved party, of suitable damages for such libel, or defamation.

Sec. 8. Relating to Civil Suits for Libel

In prosecutions and civil suits for libel, the truth may be given in evidence; and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the verdict shall be for the defendant.

Sec. 9. Private Property, How Taken

Private property shall not be taken or damaged for public use, without just compensation; nor shall the same be

THE AMERICAN BENCH—1985/86

WEST VIRGINIA

taken by any company, incorporated for the purposes of internal improvement, until just compensation shall have been paid, or secured to be paid, to the owner; and when private property shall be taken, or damaged for public use, or for the use of such corporation, the compensation to the owner shall be ascertained in such manner as may be prescribed by general law: *Provided*, That when required by either of the parties, such compensation shall be ascertained by an impartial jury of twelve freeholders.

Sec. 10. Safeguards for Life, Liberty and Property

No person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers.

Sec. 11. Political Tests Condemned

Political tests, requiring persons, as a prerequisite to the enjoyment of their civil and political rights, to purge themselves by their own oaths, of past alleged offenses, are repugnant to the principles of free government, and are cruel and oppressive. No religious or political test oath shall be required as a prerequisite or qualification to vote, serve as a juror, sue, plead, appeal, or pursue any profession or employment. Nor shall any person be deprived by law, of any right, or privilege, because of any act done prior to the passage of such law.

Sec. 12. Military Subordinate to Civil Power

Standing armies, in time of peace, should be avoided as dangerous to liberty. The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State. No soldier shall, in time of peace, be quartered in any house, without consent of the owner; nor in time of war, except in the manner to be prescribed by law.

Sec. 13. Right of Jury Trial

In suits at common law, where the value in controversy exceeds twenty dollars exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit in a court of limited jurisdiction a jury shall consist of six persons. No fact tried by a jury shall be otherwise reexamined in any case than according to rule of court or law.

Sec. 14. Trials of Crimes — Provisions in Interest of Accused

Trials of crimes, and of misdemeanors, unless herein otherwise provided, shall be by a jury of twelve men, public, without unreasonable delay, and in the county where the alleged offense was committed, unless upon petition of the accused, and for good cause shown, it is removed to some other county. In all such trials, the accused shall be fully and plainly informed of the character and cause of the accusation, and be confronted with the witness against him, and shall have the assistance of counsel, and a reasonable time to prepare for his defense; and there shall be awarded to him compulsory process for obtaining witnesses in his favor.

Sec. 15. Religious Freedom Guaranteed

No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall

any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess and, by argument, to maintain their opinions in matters of religion; and the same shall, in nowise, affect, diminish or enlarge their civil capacities; and the Legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support such private contracts as he shall please.

Sec. 15A. Public Meditation

Public schools shall provide a designated brief time at the beginning of each school day for any student desiring to exercise their right to personal and private contemplation, meditation, or prayer. No student of a public school may be denied their right to personal and private contemplation, meditation or prayer nor shall any student be required or encouraged to engage in any given contemplation, meditation or prayer as a part of the school curriculum. [Note: This 1984 amendment was declared violative of the First and Fourteenth Amendments to the federal Constitution by a U.S. District Court for the Southern District of West Virginia. *Walter v. West Virginia Board of Education* (No. 84-5366, March 14, 1985)]

Sec. 16. Right of Public Assembly Held Inviolable

The right of the people to assemble in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances, shall be held inviolable.

Sec. 17. Courts Open to All — Justice Administered Speedily

The courts of this State shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due course of law; and justice shall be administered without sale, denial or delay.

Sec. 18. Conviction Not to Work — Corruption of Blood or Forfeiture

No conviction shall work corruption of blood or forfeiture of estate.

Sec. 19. Hereditary Emoluments, etc., Provided Against

No hereditary emoluments, honors or privileges shall ever be granted or conferred in this State.

Sec. 20. Preservation of Free Government

Free government and the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

Sec. 21. Jury Service for Women

Regardless of sex all persons, who are otherwise qualified, shall be eligible to serve as petit jurors, in both civil and criminal cases, as grand jurors and as coronor's jurors.

WISCONSIN

ARTICLE I. Declaration of Rights

- SEC. 1. Equality; inherent rights.
- SEC. 2. Slavery prohibited.
- SEC. 3. Free speech; libel.
- SEC. 4. Right to assemble and petition.
- SEC. 5. Trial by jury; verdict in civil cases.
- SEC. 6. Excessive bail; cruel punishments.
- SEC. 7. Rights of accused.
- SEC. 8. Prosecutions; second jeopardy; self-incrimination; bail; habeas corpus.
- SEC. 9. Remedy for wrongs.
- SEC. 10. Treason.
- SEC. 11. Searches and seizures.
- SEC. 12. Attainder; ex post facto; contracts.
- SEC. 13. Private property for public use.
- SEC. 14. Feudal tenures; leases; alienation.
- SEC. 15. Equal property rights for aliens and citizens.
- SEC. 16. Imprisonment for debt.
- SEC. 17. Exemption of property of debtors.
- SEC. 18. Freedom of worship; liberty of conscience; state religion; public funds.
- SEC. 19. Religious tests prohibited.
- SEC. 20. Military subordinate to civil power.
- SEC. 21. Rights of suitors.
- SEC. 22. Maintenance of free government.
- SEC. 23. Transportation of school children.
- SEC. 24. Use of school buildings.

ARTICLE I. Declaration of Rights

Sec. 1. Equality; inherent rights.

All men are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 2. Slavery prohibited.

There shall be neither slavery, nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

Sec. 3. Free speech; libel.

Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall

be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 4. Right to assemble and petition.

The right of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Sec. 5. Trial by jury; verdict in civil cases.

The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law. Provided, however, that the legislature may, from time to time, by statute provide that a valid verdict, in civil cases, may be based on the votes of a specified number of the jury, not less than five-sixths thereof.

Sec. 6. Excessive bail; cruel punishments.

Excessive bail shall not be required nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.

Sec. 7. Rights of accused.

In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecution by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.

Sec. 8. Prosecutions; double jeopardy; self-incrimination; bail; habeas corpus.

(1) No person may be held to answer for a criminal offense without due process of law, and no person for the same offense may be put twice in jeopardy of punishment, nor may be compelled in any criminal case to be a witness against himself or herself.

(2) All persons, before conviction, shall be eligible for release under reasonable conditions designed to assure their appearance in court, protect members of the community from serious bodily harm or prevent the intimidation of witnesses. Monetary conditions of release may be imposed at or after the initial appearance only upon a finding that there is a reasonable basis to believe that the conditions are necessary to assure appearance in court. The legislature may authorize, by law, courts to revoke a person's release for a violation of a condition of release.

(3) The legislature may by law authorize, but may not require, circuit courts to deny release for a period not to

WISCONSIN

exceed 10 days prior to the hearing required under this subsection to a person who is accused of committing a murder punishable by life imprisonment or a sexual assault punishable by a maximum imprisonment of 20 years, or who is accused of committing or attempting to commit a felony involving serious bodily harm to another or the threat of serious bodily harm to another and who has a previous conviction for committing or attempting to commit a felony involving serious bodily harm to another or the threat of serious bodily harm to another. The legislature may authorize by law, but may not require, circuit courts to continue to deny release to those accused persons for an additional period not to exceed 60 days following the hearing required under this subsection, if there is a requirement that there be a finding by the court based on clear and convincing evidence presented at a hearing that the accused committed the felony and a requirement that there be a finding by the court that available conditions of release will not adequately protect members of the community from serious bodily harm or prevent intimidation of witnesses. Any law enacted under this subsection shall be specific, limited and reasonable. In determining the 10-day and 60-day periods, the court shall omit any period of time found by the court to result from a delay caused by the defendant or a continuance granted which was initiated by the defendant.

(4) The privilege of the writ of habeas corpus shall not be suspended unless, in cases of rebellion or invasion, the public safety requires it.

Sec. 9. Remedy for wrongs.

Every person is entitled to a certain remedy in the laws for all injuries, or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

Sec. 10. Treason.

Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 11. Searches and seizures.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Sec. 12. Attainder; ex post facto; contracts.

No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 13. Private property for public use.

The property of no person shall be taken for public use without just compensation therefor.

Sec. 14. Feudal tenures; leases; alienation.

All lands within the state are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agri-

cultural land for a longer term than fifteen years in which rent or sevice of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land, hereafter made, are declared to be void.

Sec. 15. Equal property rights for aliens and citizens.

No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

Sec. 16. Imprisonment for debt.

No person shall be imprisoned for debt arising out of or founded on a contract, expressed or implied.

Sec. 17. Exemption of property of debtors.

The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

Sec. 18. Freedom of worship; liberty of conscience; state religion; public funds.

The right of every man to worship Almighty God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

Sec. 19. Religious tests prohibited.

No religious tests shall ever be required as a qualification for any office of public trust under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

Sec. 20. Military subordinate to civil power.

The military shall be in strict subordination to the civil power.

Sec. 21. Rights of suitors.

(1) Writs of error shall never be prohibited, and shall be issued by such courts as the legislature designates by law.

(2) In any court of this state, any suitor may prosecute or defend his suit either in his own proper person or by an attorney of the suitor's choice.

Sec. 22. Maintenance of free government.

The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

Sec. 23. Transportation of school children.

Nothing in this constitution shall prohibit the legislature from providing for the safety and welfare of children by providing for the transportation of children to and from any parochial or private school or institution of learning.

THE AMERICAN BENCH—1985/86

WISCONSIN

Sec. 24. Use of school buildings.

Nothing in this constitution shall prohibit the legislature from authorizing, by law, the use of public school build-

ings by civic, religious or charitable organizations during nonschool hours upon payment by the organization to the school district of reasonable compensation for such use.

WYOMING

ARTICLE 1. Declaration of Rights

- SEC. 1. Power inherent in the people
- SEC. 2. Equality of all
- SEC. 3. Equal political rights
- SEC. 4. Security against search and seizure
- SEC. 5. Imprisonment for debt
- SEC. 6. Due process of law
- SEC. 7. No absolute, arbitrary power
- SEC. 8. Courts open to all; suits against state
- SEC. 9. Trial by jury inviolate
- SEC. 10. Right of accused to defend
- SEC. 11. Self-incrimination; jeopardy
- SEC. 12. Detaining witnesses
- SEC. 13. Indictment
- SEC. 14. Bail; cruel and unusual punishment
- SEC. 15. Penal code to be humane
- SEC. 16. Conduct of jails
- SEC. 17. Habeas corpus
- SEC. 18. Religious liberty
- SEC. 19. Appropriations for sectarian or religious societies or institutions prohibited
- SEC. 20. Freedom of speech and press; libel; truth a defense
- SEC. 21. Right of petition and peaceable assembly
- SEC. 22. Protection of labor
- SEC. 23. Education
- SEC. 24. Right to bear arms
- SEC. 25. Military subordinate to civil power; quartering soldiers
- SEC. 26. Treason
- SEC. 27. Elections free and equal
- SEC. 28. Taxation — Consent of people; uniformity and equality
- SEC. 29. Rights of aliens
- SEC. 30. Monopolies and perpetuities prohibited
- SEC. 31. Control of water
- SEC. 32. Eminent domain
- SEC. 33. Compensation for property taken
- SEC. 34. Uniform operation of general law
- SEC. 35. Ex post facto laws; impairing obligation of contracts
- SEC. 36. Rights not enumerated reserved to people
- SEC. 37. Constitution of United States supreme law of land

ARTICLE 1. Declaration of Rights

Sec. 1. Power inherent in the people.
All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and inde-

feasible right to alter, reform or abolish the government in such manner as they may think proper.

Sec. 2. Equality of all.

In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.

Sec. 3. Equal political rights.

Since equality in the enjoyment of natural and civil rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

Sec. 4. Security against search and seizure.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by affidavit, particularly describing the place to be searched or the person or thing to be seized.

Sec. 5. Imprisonment for debt.

No person shall be imprisoned for debt, except in cases of fraud.

Sec. 6. Due process of law.

No person shall be deprived of life, liberty or property without due process of law.

Sec. 7. No absolute, arbitrary power.

Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

Sec. 8. Courts open to all; suits against state.

All courts shall be open and every person for an injury done to person, reputation or property shall have justice administered without sale, denial or delay. Suits may be brought against the state in such manner and in such courts as the legislature may by law direct.

Sec. 9. Trial by jury inviolate.

The right of trial by jury shall remain inviolate in criminal cases. A jury in civil cases and in criminal cases where the charge is a misdemeanor may consist of less than twelve (12) persons but not less than six (6), as may be prescribed by law. A grand jury may consist of twelve (12) persons, any nine (9) of whom concurring may find an indictment. The legislature may change, regulate or abolish the grand jury system.

THE AMERICAN BENCH—1985/86

WYOMING

Sec. 10. Right of accused to defend.

In all criminal prosecution the accused shall have the right to defend in person and by counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed. When the location of the offense cannot be established with certainty, venue may be placed in the county or district where the corpus delicti is found, or in any county or district in which the victim was transported.

Sec. 11. Self-incrimination; jeopardy.

No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put to jeopardy for the same offense. If a jury disagree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

Sec. 12. Detaining witnesses.

No person shall be detained as a witness in any criminal prosecution longer than may be necessary to take his testimony or deposition, nor be confined in any room where criminals are imprisoned.

Sec. 13. Indictment.

Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.

Sec. 14. Bail; cruel and unusual punishment.

All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted.

Sec. 15. Penal code to be humane.

The penal code shall be framed on the humane principles of reformation and prevention.

Sec. 16. Conduct of jails.

No person arrested and confined in jail shall be treated with unnecessary rigor. The erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for.

Sec. 17. Habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion the public safety may require it.

Sec. 18. Religious liberty.

The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to hold any office of trust or profit, or to serve as a witness or juror, because of his opinion on any matter of religious belief whatsoever; but the liberty of conscience hereby secured shall not be so construed as

to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state.

Sec. 19. Appropriations for sectarian or religious societies or institutions prohibited.

No money of the state shall ever be given or appropriated to any sectarian or religious society or institution.

Sec. 20. Freedom of speech and press; libel; truth a defense.

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right; and in all trials for libel, both civil and criminal, the truth, when published with good intent and [for] justifiable ends, shall be a sufficient defense, the jury having the right to determine the facts and the law, under direction of the court.

Sec. 21. Right of petition and peaceable assembly.

The right of petition, and of the people peaceably to assemble to consult for the common good, and to make known their opinions, shall never be denied or abridged.

Sec. 22. Protection of labor.

The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the state.

Sec. 23. Education.

The right of the citizens to opportunities for education should have practical recognition. The legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.

Sec. 24. Right to bear arms.

The right of citizens to bear arms in defense of themselves and of the state shall not be denied.

Sec. 25. Military subordinate to civil power; quartering soldiers.

The military shall ever be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 26. Treason.

Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court; nor shall any person be attained of treason by the legislature.

Sec. 27. Elections free and equal.

Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an untrammled exercise of the right of suffrage.

Sec. 28. Taxation — Consent of people; uniformity and equality.

No tax shall be imposed without the consent of the people or their authorized representatives. All taxation shall be equal and uniform.

THE AMERICAN BENCH—1985/86

WYOMING

Sec. 29. Rights of aliens.

No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment and descent of property.

Sec. 30. Monopolies and perpetuities prohibited.

Perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed. Corporations being creatures of the state, endowed for the public good with a portion of its sovereign powers, must be subject to its control.

Sec. 31. Control of water.

Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the state, which, in providing for its use, shall equally guard all the various interests involved.

Sec. 32. Eminent domain.

Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes, nor in any case without due compensation.

Sec. 33. Compensation for property taken.

Private property shall not be taken or damaged for public or private use without just compensation.

Sec. 34. Uniform operation of general law.

All laws of a general nature shall have a uniform operation.

Sec. 35. Ex post facto laws; impairing obligation of contracts.

No ex post facto law, nor any law impairing the obligation of contracts, shall ever be made.

Sec. 36. Rights not enumerated reserved to people.

The enumeration in this constitution, of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

Sec. 37. Constitution of the United States supreme law of land.

The State of Wyoming is an inseparable part of the federal union, and the constitution of the United States is the supreme law of the land.