Arizona ARTICLE 1.

BILL OF RIGHTS.

1. Rights of persons. All men are, by nature, free and independent, and

have certain unalienable rights—among which are those of enjoying and defending

life and liberty, acquiring, possessing and protecting property, and

pursuing and obtaining safety and happiness.

**Virginia**

**3-20.  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.**

**1 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.

**§ 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.

**Maryland**

**Art. 6.** 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.

**Below are 47 State Bill/Declaration of Rights**

Preamble

We the people of the State of Arizona, grateful to Almighty God for our liberties, do

ordain this Constitution.

ARTICLE I. STATE BOUNDARIES

1. Designation of boundaries

The boundaries of the State of Arizona shall be as follows, namely: Beginning at a

point on the Colorado River twenty English miles below the junction of the Gila and

Colorado Rivers, as fixed by the Gadsden Treaty between the United States and Mexico,

being in latitude thirty-two degrees, twenty-nine minutes, forty-four and forty-five onehundredths

seconds north and longitude one hundred fourteen degrees, forty-eight

minutes, forty-four and fifty-three one -hundredths seconds west of Greenwich; thence

along and with the international boundary line between the United States and Mexico in a

southeastern direction to Monument Number 127 on said boundary line in latitude thirtyone

degrees, twenty minutes north; thence east along and with said parallel of latitude,

continuing on said boundary line to an intersection with the meridian of longitude one

hundred nine degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds

west, being identical with the southwestern corner of New Mexico; thence north along

and with said meridian of longitude and the west boundary of New Mexico to an

intersection with the parallel of latitude thirty-seven degrees north, being the common

corner of Colorado, Utah, Arizona, and New Mexico; thence west along and with said

parallel of latitude and the south boundary of Utah to an intersection with the meridian of

longitude one hundred fourteen degrees, two minutes, fifty-nine and twenty-five onehundredths

seconds west, being on the east boundary line of the State of Nevada; thence

south along and with said meridian of longitude and the east boundary of said State of

Nevada, to the center of the Colorado River; thence down the mid-channel of said

Colorado River in a southern direction along and with the east boundaries of Nevada,

California, and the Mexican Territory of Lower California, successively, to the place of

beginning.

2. Alteration of state boundaries

Section 2. The legislature, in cooperation with the properly constituted authority of any

adjoining state, is empowered to change, alter, and redefine the state boundaries, such

change, alteration and redefinition to become effective only upon approval of the

Congress of the United States.

Arizona Constitution

Article II

ARTICLE II. DECLARATION OF RIGHTS

1. Fundamental principles; recurrence to

Section 1. A frequent recurrence to fundamental principles is essential to the security of

individual rights and the perpetuity of free government.

2. Political power; purpose of government

Section 2. 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.

2.1. Victims' Bill of Rights

Section 2.1. (A) To preserve and protect victims' rights to justice and due process, a

victim of crime has a right:

1. To be treated with fairness, respect, and dignity, and to be free from intimidation,

harassment, or abuse, throughout the criminal justice process.

2. To be informed, upon request, when the accused or convicted person is released from

custody or has escaped.

3. To be present at and, upon request, to be informed of all criminal proceedings where

the defendant has the right to be present.

4. To be heard at any proceeding involving a post-arrest release decision, a negotiated

plea, and sentencing.

5. To refuse an interview, deposition, or other discovery request by the defendant, the

defendant's attorney, or other person acting on behalf of the defendant.

6. To confer with the prosecution, after the crime against the victim has been charged,

before trial or before any disposition of the case and to be informed of the disposition.

7. To read pre-sentence reports relating to the crime against the victim when they are

available to the defendant.

8. To receive prompt restitution from the person or persons convicted of the criminal

conduct that caused the victim's loss or injury.

9. To be heard at any proceeding when any post-conviction release from confinement is

being considered.

10. To a speedy trial or disposition and prompt and final conclusion of the case after the

conviction and sentence.

11. To have all rules governing criminal procedure and the admissibility of evidence in

all criminal proceedings protect victims' rights and to have these rules be subject to

amendment or repeal by the legislature to ensure the protection of these rights.

12. To be informed of victims' constitutional rights.

(B) A victim's exercise of any right granted by this section shall not be grounds for

dismissing any criminal proceeding or setting aside any conviction or sentence.

(C) "Victim" means a person against whom the criminal offense has been committed or,

if the person is killed or incapacitated, the person's spouse, parent, child or other lawful

representative, except if the person is in custody for an offense or is the accused.

(D) The legislature, or the people by initiative or referendum, have the authority to enact

substantive and procedural laws to define, implement, preserve and protect the rights

Arizona Constitution

Article II

guaranteed to victims by this section, including the authority to extend any of these rights

to juvenile proceedings.

(E) The enumeration in the constitution of certain rights for victims shall not be construed

to deny or disparage others granted by the legislature or retained by victims.

3. Supreme law of the land

Section 3. The Constitution of the United States is the supreme law of the land.

4. Due process of law

Section 4. No person shall be deprived of life, liberty, or property without due process

of law.

5. Right of petition and of assembly

Section 5. The right of petition, and of the people peaceably to assemble for the

common good, shall never be abridged.

6. Freedom of speech and press

Section 6. Every person may freely speak, write, and publish on all subjects, being

responsible for the abuse of that right.

7. Oaths and affirmations

Section 7. 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.

8. Right to privacy

Section 8. No person shall be disturbed in his private affairs, or his home invaded,

without authority of law.

9. Irrevocable grants of privileges, franchises or immunities

Section 9. No law granting irrevocably any privilege, franchise, or immunity shall be

enacted.

10. Self-incrimination; double jeopardy

Section 10. No person shall be compelled in any criminal case to give evidence against

himself, or be twice put in jeopardy for the same offense.

11. Administration of justice

Section 11. Justice in all cases shall be administered openly, and without unnecessary

delay.

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

freedom

Section 12. The liberty of conscience secured by the provisions of this constitution 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

Arizona Constitution

Article II

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.

13. Equal privileges and immunities

Section 13. 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.

14. Habeas corpus

Section 14. The privilege of the writ of habeas corpus shall not be suspended by the

authorities of the state.

15. Excessive bail; cruel and unusual punishment

Section 15. Excessive bail shall not be required, nor excessive fines imposed, nor cruel

and unusual punishment inflicted.

16. Corruption of blood; forfeiture of estate

Section 16. No conviction shall work corruption of blood, or forfeiture of estate.

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

question

Section 17. 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 therefore 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.

18. Imprisonment for debt

Section 18. There shall be no imprisonment for debt, except in cases of fraud.

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

Section 19. 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

Arizona Constitution

Article II

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.

20. Military power subordinate to civil power

Section 20. The military shall be in strict subordination to the civil power.

21. Free and equal elections

Section 21. 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.

22. Bailable offenses

Section 22. A. All persons charged with crime shall be bailable by sufficient

sureties, except:

1. For capital offenses, sexual assault, sexual conduct with a minor under fifteen

years of age or molestation of a child under fifteen years of age when the proof is

evident or the presumption great.

2. For 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.

3. For felony offenses if the person charged poses a substantial danger to any

other person or the community, if no conditions of release which may be imposed

will reasonably assure the safety of the other person or the community and if the

proof is evident or the presumption great as to the present charge.

4. For serious felony offenses as prescribed by the legislature if the person

charged has entered or remained in the United States illegally and if the proof is

evident or the presumption great as to the present charge.

B. The purposes of bail and any conditions of release that are set by a judicial

officer include:

1. Assuring the appearance of the accused.

2. Protecting against the intimidation of witnesses.

3. Protecting the safety of the victim, any other person or the community.

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

Section 23. 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.

24. Rights of accused in criminal prosecutions

Section 24. 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

Arizona Constitution

Article II

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.

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

Section 25. No bill of attainder, ex-post-facto law, or law impairing the obligation of a

contract, shall ever be enacted.

26. Bearing arms

Section 26. 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.

27. Standing army; quartering soldiers

Section 27. 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.

28. Treason

Section 28. 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.

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

Section 29. 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.

30. Indictment or information; preliminary examination

Section 30. No person shall be prosecuted criminally in any court of record for felony

or misdemeanor, otherwise than by information 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.

31. Damages for death or personal injuries

Section 31. 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.

32. Constitutional provisions mandatory

Section 32. The provisions of this Constitution are mandatory, unless by express words

they are declared to be otherwise.

33. Reservation of rights

Section 33. The enumeration in this Constitution of certain rights shall not be construed

to deny others retained by the people.

Arizona Constitution

Article II

34. Industrial pursuits by state and municipal corporations

Section 34. The state of Arizona and each municipal corporation within the state of

Arizona shall have the right to engage in industrial pursuits.

35. Actions by illegal aliens prohibited

Section 35. A person who is present in this state in violation of federal immigration law

related to improper entry by an alien shall not be awarded punitive damages in any action

in any court in this state.

Arizona Constitution

Article III

ARTICLE III. DISTRIBUTION OF POWERS

Distribution of Powers

The powers of the government of the state of Arizona shall be divided into three

separate departments, the legislative, the executive, and the judicial; and, except as

provided in this constitution, such departments shall be separate and distinct, and no one

of such departments shall exercise the powers properly belonging to either of the others.

**Article I, Alabama Constitution**

|  |
| --- |
| [**Alabama Constitution**](https://ballotpedia.org/Alabama_Constitution) |
|  |
| [**Preamble**](https://ballotpedia.org/Preamble%2C_Alabama_Constitution) |
| **Articles** |
| I • [II](https://ballotpedia.org/Article_II%2C_Alabama_Constitution) • [III](https://ballotpedia.org/Article_III%2C_Alabama_Constitution) • [IV](https://ballotpedia.org/Article_IV%2C_Alabama_Constitution) • [V](https://ballotpedia.org/Article_V%2C_Alabama_Constitution) • [VI](https://ballotpedia.org/Article_VI%2C_Alabama_Constitution) • [VII](https://ballotpedia.org/Article_VII%2C_Alabama_Constitution) • [VIII](https://ballotpedia.org/Article_VIII%2C_Alabama_Constitution) • [IX](https://ballotpedia.org/Article_IX%2C_Alabama_Constitution) • [X](https://ballotpedia.org/Article_X%2C_Alabama_Constitution) • [XI](https://ballotpedia.org/Article_XI%2C_Alabama_Constitution) •[XII](https://ballotpedia.org/Article_XII%2C_Alabama_Constitution) •[XIII](https://ballotpedia.org/Article_XIII%2C_Alabama_Constitution) •[XIV](https://ballotpedia.org/Article_XIV%2C_Alabama_Constitution) • [XV](https://ballotpedia.org/Article_XV%2C_Alabama_Constitution) • [XVI](https://ballotpedia.org/Article_XVI%2C_Alabama_Constitution) • [XVII](https://ballotpedia.org/Article_XVII%2C_Alabama_Constitution) • [XVIII](https://ballotpedia.org/Article_XVIII%2C_Alabama_Constitution) |
| [**Amendments**](https://ballotpedia.org/Amendments%2C_Alabama_Constitution) |

**Article I** of the [Alabama Constitution](https://ballotpedia.org/Alabama_Constitution) is entitled **Declaration of Rights** and consists of 36 sections.

Preamble

|  |
| --- |
|  |
|

|  |  |  |
| --- | --- | --- |
| **“** | That the great, general, and essential principles of liberty and free government may be recognized and established, we declare:[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 1

|  |
| --- |
|  |
|  | **Text of Section 1:****Equality and Rights of Men**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 2

|  |
| --- |
|  |
|  | **Text of Section 2:****People Source of Power**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 3

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 4

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 5

|  |
| --- |
|  |
|  | **Text of Section 5:****Unreasonable Search and Seizure; Search Warrants**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 6

|  |
| --- |
|  |
|  | **Text of Section 6:****Rights of Persons in Criminal Prosecutions Generally; Self-Incrimination; Due Process of Law; Right to Speedy, Public Trial; Change of Venue**

|  |  |  |
| --- | --- | --- |
| **“** | 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 application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 7

|  |
| --- |
|  |
|  | **Text of Section 7:****Accusation, Arrest and Detention; Punishment Limited to Laws Established Prior to Offense**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 8

|  |
| --- |
|  |
|  | **Text of Section 8:****Proceeding Against Person by Information; Grand Jury Not Required in Misdemeanor Cases**

|  |  |  |
| --- | --- | --- |
| **“** | 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 prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

**Amendments**

* Amended by: [Amendment 37, Alabama Constitution](https://ballotpedia.org/Amendments%2C_Alabama_Constitution)

Section 9

|  |
| --- |
|  |
|  | **Text of Section 9:****Double Jeopardy; Discharge of Juries from Cases**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 10

|  |
| --- |
|  |
|  | **Text of Section 10:****Right to Prosecute Civil Cause**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 11

|  |
| --- |
|  |
|  | **Text of Section 11:****Right to Trial by Jury**

|  |  |  |
| --- | --- | --- |
| **“** | That the right of trial by jury shall remain inviolate.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 12

|  |
| --- |
|  |
|  | **Text of Section 12:****Prosecutions for Libel or for Publication of Papers Investigating Official Conduct of Public Officers**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 13

|  |
| --- |
|  |
|  | **Text of Section 13:****Courts to Be Open; Remedies for All Injuries; Impartiality of Justice**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 14

|  |
| --- |
|  |
|  | **Text of Section 14:****State Not to Be Made Defendant**

|  |  |  |
| --- | --- | --- |
| **“** | That the State of Alabama shall never be made a defendant in any court of law or equity.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 15

|  |
| --- |
|  |
|  | **Text of Section 15:****Excessive Fines; Cruel or Unusual Punishment**

|  |  |  |
| --- | --- | --- |
| **“** | That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 16

|  |
| --- |
|  |
|  | **Text of Section 16:****Right to Bail; Excessive 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 17

|  |
| --- |
|  |
|  | **Text of Section 17:****Suspension of Habeas Corpus**

|  |  |  |
| --- | --- | --- |
| **“** | That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this state.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 18

|  |
| --- |
|  |
|  | **Text of Section 18:****Treason Against the State**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 19

|  |
| --- |
|  |
|  | **Text of Section 19:****Bills of Attainder of Treason by Legislature Prohibited; Conviction Not to Work Corruption of Blood or Forfeiture of Estate**

|  |  |  |
| --- | --- | --- |
| **“** | That no person shall be attainted of treason by the legislature; and no conviction shall work corruption of blood or forfeiture of estate.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 20

|  |
| --- |
|  |
|  | **Text of Section 20:****Imprisonment for Debts**

|  |  |  |
| --- | --- | --- |
| **“** | That no person shall be imprisoned for debt.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 21

|  |
| --- |
|  |
|  | **Text of Section 21:****Suspension of Laws**

|  |  |  |
| --- | --- | --- |
| **“** | That no power of suspending laws shall be exercised except by the legislature.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 22

|  |
| --- |
|  |
|  | **Text of Section 22:****Ex Post Facto Laws; Impairment of Obligations of Contracts; Irrevocable or Exclusive Grants of 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 23

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 24

|  |
| --- |
|  |
|  | **Text of Section 24:****Navigable Waters Declared Free Public Highways; Taxes, Tolls, Etc., for Use of Shores or Wharves**

|  |  |  |
| --- | --- | --- |
| **“** | 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 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 25

|  |
| --- |
|  |
|  | **Text of Section 25:****Right to Peaceably Assemble and Petition for Redress of Grievances, Etc.**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 26

|  |
| --- |
|  |
|  | **Text of Section 26:****Right to Bear Arms**

|  |  |  |
| --- | --- | --- |
| **“** | (a) Every citizen has a fundamental right to bear arms in defense of himself or herself and the state. Any restriction on this right shall be subject to strict scrutiny.(b) No citizen shall be compelled by any international treaty or international law to take an action that prohibits, limits, or otherwise interferes with his or her fundamental right to keep and bear arms in defense of himself or herself and the state, if such treaty or law, or its adoption, violates the United States Constitution.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

**Amendments**

* Amended by the approval of [Alabama Right to Bear Arms, Amendment 3 (2014)](https://ballotpedia.org/Alabama_Right_to_Bear_Arms%2C_Amendment_3_%282014%29) on November 4, 2014.

Section 27

|  |
| --- |
|  |
|  | **Text of Section 27:****Standing Army; Military Subordinate to Civil Power**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 28

|  |
| --- |
|  |
|  | **Text of Section 28:****Quartering of Soldiers in Houses**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 29

|  |
| --- |
|  |
|  | **Text of Section 29:****Titles of Nobility, Hereditary Distinction, Etc.; Restriction on Appointments to 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 30

|  |
| --- |
|  |
|  | **Text of Section 30:****Immigration, Emigration and Exile**

|  |  |  |
| --- | --- | --- |
| **“** | That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 31

|  |
| --- |
|  |
|  | **Text of Section 31:****Residence Not Forfeited by Temporary Absence from State**

|  |  |  |
| --- | --- | --- |
| **“** | That temporary absence from the state shall not cause a forfeiture of residence once obtained.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 32

|  |
| --- |
|  |
|  | **Text of Section 32:****Slavery Prohibited; Involuntary Servitude**

|  |  |  |
| --- | --- | --- |
| **“** | 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 33

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 34

|  |
| --- |
|  |
|  | **Text of Section 34:****Property 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 35

|  |
| --- |
|  |
|  | **Text of Section 35:****Objective 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.**[**[1]**](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[**[2]**](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Section 36

|  |
| --- |
|  |
|  | **Text of Section 36:****Construction of Declaration of 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.[[1]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-AL-1)[[2]](https://ballotpedia.org/Article_I%2C_Alabama_Constitution#cite_note-quotedisclaimer-2) | **”** |

 |

Preamble

The Constitution of the State of Alaska

Adopted by the Constitutional Convention February 5, 1956
Ratified by the People of Alaska April 24, 1956
Became Operative with the Formal Proclamation of Statehood January 3, 1959

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.

**Article 1 - Declaration of Rights**

§ 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.

§ 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.

§ 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. [Amended 1972]

§ 4. Freedom of Religion

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

§ 5. Freedom of Speech

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

§ 6. Assembly; Petition

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

§ 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 legislative and executive investigations shall not be infringed.

§ 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.

§ 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.

§ 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.

§ 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.

§ 12. Criminal Administration

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation. [Amended 1994]

§ 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.

§ 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.

§ 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.

§ 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.

§ 17. Imprisonment for Debt

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

§ 18. Eminent Domain

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

§ 19. Right to Keep and 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. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State. [Amended 1994]

§ 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.

§ 21. Construction

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

§ 22. Right of Privacy

The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section. [Amended 1972]

§ 23. Resident Preference

This constitution does not prohibit the State from granting preferences, on the basis of Alaska residence, to residents of the State over nonresidents to the extent permitted by the Constitution of the United States. [Amended 1988]

§ 24. Rights of Crime Victims

Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process; the right to timely disposition of the case following the arrest of the accused; the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication. [Amended 1994]

§ 25. Marriage

To be valid or recognized in this State, a marriage may exist only between one man and one woman. [Amended 1998]

California Constitution of 1879, prior to any amendments

 The original of this document is in:

California State Archives 1020 “O” Street Sacramento CA 95814

CONSTITUTION

OF THE

STATE OF CALIFORNIA.

ADOPTED IN CONVENTION, AT SACRAMENTO, MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY—NINE; RATIFIED BY A VOTE OF THE PEOPLE ON WEDNESDAY; MAY SEVENTH, EIGHTEEN HUNDRED AND SEVENTY—NINE.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

WE, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I. DECLARATION OF RIGHTS.

SECTION 1. 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 pursuing and obtaining safety and happiness.

SEC. 2. 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.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land. California Constitution of 1879, prior to any amendments

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror 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. 5. 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. 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 confined in any room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths 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, and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open Court.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a Magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

SEC. 9. 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 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. Indictments found, or information laid, for publications in newspapers shall be tried in the county where

2 California Constitution of 1879, prior to any amendments

such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. 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 the owner; nor in time of war, except in the manner prescribed by law.

SEC, 13. 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. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

SEC. 14. 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, 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 a Court of record, as shall be prescribed by law.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

3 California Constitution of 1879, prior to any amendments

SEC. 17. Foreigners of the white race or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of property as native-born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. 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. 20. 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. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; 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. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

ARTICLE II. RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county

4 California Constitution of 1879, prior to any amendments

in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided,* no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State.

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any alms-house or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot.

ARTICLE III. DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

**CONSTITUTION OF THE STATE OF CONNECTICUT**

PREAMBLE.

The People of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government; do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors; hereby, after a careful consideration and revision, ordain and establish the following constitution and form of civil government.

ARTICLE FIRST.
DECLARATION OF RIGHTS

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

WE DECLARE:

SEC. 1. 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. 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. 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. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

SEC. 6. 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. 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. 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. 8 amended in 1982. See Art. XVII of Amendments to the Constitution of the State of Connecticut.)

SEC. 9. No person shall be arrested, detained or punished, except in cases clearly warranted by law.

SEC. 10. 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, and right and justice administered without sale, denial or delay.

SEC. 11. The property of no person shall be taken for public use, without just compensation therefor.

SEC. 12. 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. No person shall be attainted of treason or felony, by the legislature.

SEC. 14. 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. Every citizen has a right to bear arms in defense of himself and the state.

SEC. 16. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 17. 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. No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

SEC. 19. The right of trial by jury shall remain inviolate.

(Sec. 19 amended in 1972. See Art. IV of Amendments to the Constitution of the State of Connecticut.)

SEC. 20. 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 civil or political rights because of religion, race, color, ancestry or national origin.

(Sec. 20 amended in 1974. See Art. V of Amendments to the Constitution of the State of Connecticut.)

(Sec. 20 amended in 1984. See Art. XXI of the Amendments to the Constitution of the State of Connecticut.)

ARTICLE SECOND.\*
OF THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Colorado Revised Statutes 2016

**CONSTITUTION OF THE**

**STATE OF COLORADO**

Preamble

We, the people of Colorado, with profound reverence for the Supreme Ruler of the

Universe, in order to form a more independent and perfect government; establish justice; insure

tranquillity; provide for the common defense; promote the general welfare and secure the

blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the

"State of Colorado".

**ARTICLE I**

Boundaries

The boundaries of the state of Colorado shall be as follows: Commencing on the thirtyseventh

parallel of north latitude, where the twenty-fifth meridian of longitude west from

Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north

latitude; thence along said parallel, west, to the thirty-second meridian of longitude west from

Washington; thence south, on said meridian, to the thirty-seventh parallel of north latitude;

thence along said thirty-seventh parallel of north latitude to the place of beginning.

**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:

**Section 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.

**Section 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

independent 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.

Colorado Revised Statutes 2016 1 Uncertified Printout

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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 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.

**Section 9. Treason - estates 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.

**Section 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

Colorado Revised Statutes 2016 2 Uncertified Printout

the truth thereof may be given in evidence, and the jury, under the direction of the court, shall

determine the law and the fact.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 16a. Rights of crime victims.** Any person who is a victim of a criminal act, or

such person's designee, legal guardian, or surviving immediate family members if such person is

deceased, shall have the right to be heard when relevant, informed, and present at all critical

stages of the criminal justice process. All terminology, including the term "critical stages", shall

be defined by the general assembly.

Colorado Revised Statutes 2016 3 Uncertified Printout

**Section 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.

**Section 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.

**Section 19. Right to bail - exceptions.** (1) All persons shall be bailable by sufficient

sureties pending disposition of charges 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:

(I) A crime of violence, as may be defined by the general assembly, alleged to have been

committed while on probation or parole resulting from the conviction of a crime of violence;

(II) 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;

(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 conviction 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; or

(c) (Deleted by amendment, L. 94, p. 2853, effective upon proclamation of the Governor,

L. 95, p. 1434, January 1, 1995.)

(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.

Colorado Revised Statutes 2016 4 Uncertified Printout

(2. 5) (a) The court may grant bail after a person is convicted, pending sentencing or

appeal, only as provided by statute as enacted by the general assembly; except that no bail is

allowed for persons convicted of:

(I) Murder;

(II) Any felony sexual assault involving the use of a deadly weapon;

(III) Any felony sexual assault committed against a child who is under fifteen years of

age;

(IV) A crime of violence, as defined by statute enacted by the general assembly; or

(V) Any felony during the commission of which the person used a firearm.

(b) The court shall not set bail that is otherwise allowed pursuant to this subsection (2. 5)

unless the court finds that:

(I) The person is unlikely to flee and does not pose a danger to the safety of any person or

the community; and

(II) The appeal is not frivolous or is not pursued for the purpose of delay.

(3) This section shall take effect January 1, 1995, and shall apply to offenses committed

on or after said date.

**Section 20. Excessive bail, fines or punishment.** Excessive bail shall not be required,

nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 25. Due process of law.** No person shall be deprived of life, liberty or property,

Colorado Revised Statutes 2016 5 Uncertified Printout

without due process of law.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 30a. Official language.** The English language is the official language of the

State of Colorado.

This section is self executing; however, the General Assembly may enact laws to

implement this section.

**Section 30b. No Protected Status Based on Homosexual, Lesbian or Bisexual**

**Orientation.** Neither the State of Colorado, through any of its branches or departments, nor any

of its agencies, political subdivisions, municipalities or school districts, shall enact, adopt or

enforce any statute, regulation, ordinance or policy whereby homosexual, lesbian or bisexual

orientation, conduct, practices or relationships shall constitute or otherwise be the basis of or

entitle any person or class of persons to have or claim any minority status, quota preferences,

protected status or claim of discrimination. This Section of the Constitution shall be in all

Colorado Revised Statutes 2016 6 Uncertified Printout

respects self-executing.

**Section 31. Marriages - valid or recognized.** Only a union of one man and one woman

shall be valid or recognized as a marriage in this state.

**ARTICLE III**

Distribution of Powers

The powers of the government of this state are divided into three distinct departments,--

the legislative, executive and judicial; and no person or collection of persons charged with the

exercise of powers properly belonging to one of these departments shall exercise any power

properly belonging to either of the others, except as in this constitution expressly directed or

permitted.

[**THE DELAWARE CONSTITUTION**](https://delcode.delaware.gov/constitution/index.html)

**ARTICLE I. BILL OF RIGHTS**

**§ 1. Freedom of religion.**

Section 1. Although it is the duty of all persons 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 person 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 or her 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.

**§ 2. Religious test for office not required.**

Section 2. No religious test shall be required as a qualification to any office, or public trust, under this State.

**§ 3. Free and equal elections.**

Section 3. All elections shall be free and equal.

**§ 4. Trial by jury.**

Section 4. Trial by jury shall be as heretofore.

**§ 5. Freedom of press and speech; evidence in libel prosecutions; jury questions.**

Section 5. The free communication of thoughts and opinions is one of the invaluable rights of man. The press shall be free to every citizen who undertakes to examine the official conduct of persons acting in a public capacity; and any citizen may freely speak, write and 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.

**§ 6. Searches and seizures.**

Section 6. 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.

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

Section 7. In all criminal prosecutions, the accused hath a right to be heard by himself or herself and his or her counsel, to be plainly and fully informed of the nature and cause of the accusation against him or her, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself or herself, his or her friends or counsel, for obtaining witnesses in his or her favor, and a speedy and public trial by an impartial jury; he or she shall not be compelled to give evidence against himself or herself, nor shall he or she be deprived of life, liberty or property, unless by the judgment of his or her peers or by the law of the land.

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

Section 8. 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 person's property be taken or applied to public use without the consent of his or her representatives, and without compensation being made.

**§ 9. Courts shall be open; remedy for injury; suits against State.**

Section 9. All courts shall be open; and every person for an injury done him or her in his or her 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.

**§ 10. Suspension of laws by General Assembly.**

Section 10. No power of suspending laws shall be exercised but by authority of the General Assembly.

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

Section 11. 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.

**§ 12. Right to bail; access to accused.**

Section 12. 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.

**§ 13. Suspension of habeas corpus.**

Section 13. 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.

**§ 14. Commission of oyer and terminer, or jail delivery.**

Section 14. No commission of oyer and terminer, or jail delivery, shall be issued.

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

Section 15. 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.

**§ 16. Right of assembly; petition for redress of grievances.**

Section 16. Although disobedience to laws by a part of the people, upon suggestions of impolicy or injustice in them, tends by immediate effect 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.

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

Section 17. 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.

**§ 18. Prohibition against quartering soldiers in homes.**

Section 18. 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.

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

Section 19. 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 behaviour; 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.

**§ 20. Right to keep and bear arms.**

Section 20. A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.

**§ 21. Equal Rights.**

Section 21. Equality of rights under the law shall not be denied or abridged on account of race, color, national origin, or sex.

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

**CONSTITUTION**

**OF THE**

**STATE OF FLORIDA**

AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED

The Constitution of the State of Florida as revised in 1968 consisted of certain revised articles as proposed by three joint resolutions which were adopted during the special session of June 24-July 3, 1968, and ratified by the electorate on November 5, 1968, together with one article carried forward from the Constitution of 1885, as amended. The articles proposed in House Joint Resolution 1-2X constituted the entire revised constitution with the exception of Articles V, VI, and VIII. Senate Joint Resolution 4-2X proposed Article VI, relating to suffrage and elections. Senate Joint Resolution 5-2X proposed a new Article VIII, relating to local government. Article V, relating to the judiciary, was carried forward from the Constitution of 1885, as amended.

Sections composing the 1968 revision have no history notes. Subsequent changes are indicated by notes appended to the affected sections. The indexes appearing at the beginning of each article, notes appearing at the end of various sections, and section and subsection headings are added editorially and are not to be considered as part of the constitution.

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

**ARTICLE I**

**DECLARATION OF RIGHTS**

**SECTION 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.

**SECTION 2. Basic rights.—**All natural persons, female and male alike, 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. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

**History.**—Am. S.J.R. 917, 1974; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 9, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 6, 2018, filed with the Secretary of State May 9, 2018; adopted 2018.

**SECTION 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.

**SECTION 4. Freedom of speech and press.—**Every person may speak, write and publish 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.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Right to assemble.—**The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

**SECTION 6. Right to work.—**The right of persons to work shall not be denied or abridged on account of membership or 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.

**SECTION 7. Military power.—**The military power shall be subordinate to the civil.

**SECTION 8. Right to bear arms.—**

(a) 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.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, “purchase” means the transfer of money or other valuable consideration to the retailer, and “handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in of another handgun.

**History.**—Am. C.S. for S.J.R. 43, 1989; adopted 1990.

**SECTION 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 oneself.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 10. Prohibited laws.—**No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

**SECTION 11. Imprisonment for debt.—**No person shall be imprisoned for debt, except in cases of fraud.

**SECTION 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 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.

**History.**—Am. H.J.R. 31-H, 1982; adopted 1982.

**SECTION 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.

**SECTION 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.

**History.**—Am. H.J.R. 43-H, 1982; adopted 1982.

**SECTION 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.

**SECTION 16. Rights of accused and of victims.—**

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation, 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 the trial will take place. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

(b) To preserve and protect the right of crime victims to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems for crime victims, and ensure that crime victims’ rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents, every victim is entitled to the following rights, beginning at the time of his or her victimization:

(1) The right to due process and to be treated with fairness and respect for the victim’s dignity.

(2) The right to be free from intimidation, harassment, and abuse.

(3) The right, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused. However, nothing contained herein is intended to create a special relationship between the crime victim and any law enforcement agency or office absent a special relationship or duty as defined by Florida law.

(4) The right to have the safety and welfare of the victim and the victim’s family considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim’s family.

(5) The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim’s family, or which could disclose confidential or privileged information of the victim.

(6) A victim shall have the following specific rights upon request:

a. The right to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if the victim will be a witness at the proceeding, notwithstanding any rule to the contrary. A victim shall also be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of the victim is implicated.

b. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.

c. The right to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case.

d. The right to provide information regarding the impact of the offender’s conduct on the victim and the victim’s family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.

e. The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim’s right, except for such portions made confidential or exempt by law.

f. The right to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.

g. The right to be informed of all postconviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.

h. The right to be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.

(7) The rights of the victim, as provided in subparagraph (6)a., subparagraph (6)b., or subparagraph (6)c., that apply to any first appearance proceeding are satisfied by a reasonable attempt by the appropriate agency to notify the victim and convey the victim’s views to the court.

(8) The right to the prompt return of the victim’s property when no longer needed as evidence in the case.

(9) The right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct.

(10) The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related postjudgment proceedings.

a. The state attorney may file a good faith demand for a speedy trial and the trial court shall hold a calendar call, with notice, within fifteen days of the filing demand, to schedule a trial to commence on a date at least five days but no more than sixty days after the date of the calendar call unless the trial judge enters an order with specific findings of fact justifying a trial date more than sixty days after the calendar call.

b. All state-level appeals and collateral attacks on any judgment must be complete within two years from the date of appeal in non-capital cases and within five years from the date of appeal in capital cases, unless a court enters an order with specific findings as to why the court was unable to comply with this subparagraph and the circumstances causing the delay. Each year, the chief judge of any district court of appeal or the chief justice of the supreme court shall report on a case-by-case basis to the speaker of the house of representatives and the president of the senate all cases where the court entered an order regarding inability to comply with this subparagraph. The legislature may enact legislation to implement this subparagraph.

(11) The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights. This information shall be made available to the general public and provided to all crime victims in the form of a card or by other means intended to effectively advise the victim of their rights under this section.

(c) The victim, the retained attorney of the victim, a lawful representative of the victim, or the office of the state attorney upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of a victim’s right shall be clearly stated on the record.

(d) The granting of the rights enumerated in this section to victims may not be construed to deny or impair any other rights possessed by victims. The provisions of this section apply throughout criminal and juvenile justice processes, are self-executing, and do not require implementing legislation. This section may not be construed to create any cause of action for damages against the state or a political subdivision of the state, or any officer, employee, or agent of the state or its political subdivisions.

(e) As used in this section, a “victim” is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term “victim” includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term “victim” does not include the accused. The terms “crime” and “criminal” include delinquent acts and conduct.

**History.**—Am. S.J.R. 135, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 1, 2018, filed with the Secretary of State May 9, 2018; adopted 2018.

**SECTION 17. Excessive punishments.—**Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

**History.**—Am. H.J.R. 3505, 1998; adopted 1998; Am. H.J.R. 951, 2001; adopted 2002.

**SECTION 18. Administrative penalties.—**No administrative agency, except the Department of Military Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. Costs.—**No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 23. Right of privacy.—**Every natural person has the right to be let alone and free from governmental intrusion into the person’s 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.

**History.**—Added, C.S. for H.J.R. 387, 1980; adopted 1980; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 24. Access to public records and meetings.—**

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

(c) This section shall be self-executing. The legislature, however, may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsections (a) or (b) and provisions governing the enforcement of this section, and shall relate to one subject.

(d) All laws that are in effect on July 1, 1993 that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

**History.**—Added, C.S. for C.S. for H.J.R.’s 1727, 863, 2035, 1992; adopted 1992; Am. S.J.R. 1284, 2002; adopted 2002.

1**SECTION 25. Taxpayers’ Bill of Rights.—**By general law the legislature shall prescribe and adopt a Taxpayers’ Bill of Rights that, in clear and concise language, sets forth taxpayers’ rights and responsibilities and government’s responsibilities to deal fairly with taxpayers under the laws of this state. This section shall be effective July 1, 1993.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 2, 1992, filed with the Secretary of State May 7, 1992; adopted 1992.

1**Note.**—This section, originally designated section 24 by Revision No. 2 of the Taxation and Budget Reform Commission, 1992, was redesignated section 25 by the editors in order to avoid confusion with section 24 as contained in H.J.R.’s 1727, 863, 2035, 1992.

**SECTION 26. Claimant’s right to fair compensation.—**

(a) Article I, Section 26 is created to read “Claimant’s right to fair compensation.” In any medical liability claim involving a contingency fee, the claimant is entitled to receive no less than 70% of the first $250,000.00 in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to 90% of all damages in excess of $250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This provision is self-executing and does not require implementing legislation.

(b) This Amendment shall take effect on the day following approval by the voters.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 8, 2003; adopted 2004.

**SECTION 27. Marriage defined.—**Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

**History.**—Proposed by Initiative Petition filed with the Secretary of State February 9, 2005; adopted 2008.

**CONSTITUTION OF THE STATE OF GEORGIA**

**PREAMBLE**

To perpetuate the principles of free government, insure justice to all, preserve peace,

promote the interest and happiness of the citizen and of the family, and transmit to posterity

the enjoyment of liberty, we the people of Georgia, relying upon the protection and

guidance of Almighty God, do ordain and establish this Constitution.

**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.

-1-

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 of special 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 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.

-2-

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.

-3-

Paragraph XXVIII. ***Fishing and hunting.*** The tradition of fishing and hunting and the

taking of fish and wildlife shall be preserved for the people and shall be managed by law

and regulation for the public good.

Paragraph XXIX. ***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.

**SECTION II.**

**ORIGIN AND STRUCTURE OF GOVERNMENT**

Paragraph I. ***Origin and foundation of government.*** All government, of right, originates

with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people and are at all times

amenable to them.

**The Constitution
of the
State of Hawaii**

Incorporating the November 7, 2006 election changes,
and including the annotation.

[***Note:***](https://www.lwv-hawaii.com/govt/constitution/arts01.htm#00)

For proposed constitutional amendment to this article adding a new section on sexual assault crimes against minors, see SB 2246, L 2006, pg. 1268.

***[Law Journals and Reviews:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2200)***

The Protection of Individual Rights Under Hawai`i's Constitution. 14 UH L. Rev. 311.

**[1.1](https://www.lwv-hawaii.com/govt/constitution/art01.htm%22%20%5Cl%20%22Top)
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.  [*Am Const Con 1978 and election Nov 7, 1978*]

**[1.2](https://www.lwv-hawaii.com/govt/constitution/art01.htm%22%20%5Cl%20%22Top)
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.  [*Am Const Con 1978 and election Nov 7, 1978*]

***[Case Notes:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2202)***

See also notes to U.S. Const. [Amend. 14](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0014-0001.htm).

HRS §746-6, making presence in barricaded place a crime, was invalid as it denied the freedom of movement and freedom of association guaranteed hereunder. 52 H. 604, 483 P.2d 997.

HRS §[286-81](http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0286/HRS_0286-0081.htm)(1)(A), requiring motorcycle safety helmets, is not a mere self-protective legislation and is valid. 55 H. 138, 516 P.2d 709.

Traffic statutes, §§[286-25](http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0286/HRS_0286-0025.htm), [286-102](http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0286/HRS_0286-0102.htm), [291-11.6](http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0291/HRS_0291-0011_0006.htm), and [431:10C-104](http://www.capitol.hawaii.gov/hrscurrent/Vol09_Ch0431-0435E/HRS0431/HRS_0431-0010C-0104.htm)(b), did not violate defendant’s freedom of movement. 77 H. 222 (App.), 883 P.2d 644.

A [chapter 586](http://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/hrs0586/hrs_0586-.htm) protective order does not unconstitutionally curtail a person's freedom of movement. 85 H. 197 (App.), 940 P.2d 404.

As §[711-1102](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0711/HRS_0711-1102.htm)'s limit on freedom of association and movement is only within the immediate vicinity of the disorderly conduct and there is no "unlimited and indiscriminately sweeping infringement upon the freedom of movement and association", §[711-1102](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0711/HRS_0711-1102.htm) does not violate this section. 101 H. 153 (App.), 64 P.3d 282.

Mentioned: 51 H. 516, 465 P.2d 573; 53 H. 327, 493 P.2d 306.

**[1.3](https://www.lwv-hawaii.com/govt/constitution/art01.htm%22%20%5Cl%20%22Top)
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.  [*L 1972, SB No 1408-72 and election Nov 7, 1972; ren Const Con 1978 and election Nov 7, 1978*]

***[Law Journals and Reviews:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2203)***

Hawaii's Equal Rights Amendment: Its Impact On Athletic Opportunities and Competition For Women. 2 UH L. Rev. 97.

Employee Rights Under Judicial Scrutiny: Prevalent Policy Discourse and the Hawai`i Supreme Court. 14 UH L. Rev. 189.

For Better or for Worse, in Sickness and in Health, Until Death Do Us Part: A Look at Same Sex Marriage in Hawaii. 16 UH L. Rev. 447.

***[Case Notes:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2203)***

Requirement that a woman visitor to an all-male prison wear a brassiere does not infringe upon this section. 59 H. 346, 581 P.2d 1164.

Classification based on unique physical characteristics of men or women is not invalid. 62 H. 120, 612 P.2d 526.

**[1.4](https://www.lwv-hawaii.com/govt/constitution/art01.htm%22%20%5Cl%20%22Top)
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.  [*Ren and am Const Con 1978 and election Nov 7, 1978*]

***[Attorney General Opinions:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2204)***

Granting permission to student religious group to use university facilities on same basis as other student groups is not in contravention of U.S. or State Constitution. Att. Gen. Op. 64-54.

Policy regarding devotional exercise in public schools is contrary to the First and Fourteenth Amendments to the U.S. Constitution. Att. Gen. Op. 66-15.

Statute which would include newspapers within definition of public utility and subject them to PUC jurisdiction would be violative of freedom of the press. Att. Gen. Op. 74-11.

***[Law Journals and Reviews:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2204)***

Metromedia, Inc. v. City of San Diego: The Conflict Between Aesthetic Zoning and Commercial Speech Protection; Hawaii's Billboard Law Under Fire, Note. 5 UH L. Rev. 79.

Estes v. Kapiolani Women's and Children's Medical Center: State Action and the Balance Between Free Speech and Private Property Rights in Hawaii. 13 UH L. Rev. 233.

The Lum Court and Native Hawaiian Rights. 14 UH L. Rev. 377.

The Lum Court and the First Amendment. 14 UH L. Rev. 395.

Burdick v. Takushi: Yes to Equal Voice in Voting, No to a Fundamental Right to Vote for Any Particular Candidate. 14 UH L. Rev. 715.

Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah: Reaffirming the Supreme Court's Religious Free Exercise Jurisdiction. 16 UH L. Rev. 401.

Curing A Bad Reputation: Reforming Defamation Law. 17 UH L. Rev. 113.

Hawai`i's Response to Strategic Litigation Against Public Participation and the Protection of Citizens' Right to Petition the Government. 24 UH L. Rev. 411.

Emergency Contraception in Religious Hospitals: The Struggle Between Religious Freedom and Personal Autonomy. 27 UH L. Rev. 65.

***[Case Notes:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2204)***

**Freedom of press.**

See also notes to U.S. Const. [Amend. 1](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm).

News media liable for negligent defamation of private person. 56 H. 522, 543 P.2d 1356.

The right to free speech under this section was not violated by city ordinance requiring that the area of a booth designated for viewing pornographic videos purchased on the premises of a panoram business be visible from the booth's entryway. 107 H. 314, 113 P.3d 190.

**Restraining orders.**

Obstructing use of university office constituted conduct outside of [First Amendment](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm) rights, and ex parte temporary restraining order was not constitutionally invalid. 52 H. 427, 478 P.2d 320.

**Freedom of religion.**

Under the [First Amendment](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm) to the U.S. Constitution and this section, civil courts have no authority to resolve disputes that turn on matters of church doctrine, practice, polity, or administration or that cannot be decided without resolving underlying controversies over such matters. When faced with such claims, civil courts must dismiss them. 77 H. 383, 885 P.2d 361.

Not violated by director's failure to grant building height restriction zoning variance for temple hall where plaintiff Buddhist temple failed to demonstrate substantial burden on its free exercise of religion because of height restriction. 87 H. 217, 953 P.2d 1315.

**Freedom of speech.**

In lawsuit involving a challenge to city and county of Honolulu's practice of charging nonresidents a $3.00 fee to enter bay designated a marine life conservation district and nature preserve, plaintiff's [First Amendment](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm) rights not violated and ordinance instituting the fee not overbroad. 215 F. Supp. 2d 1098.

Right to receive information and ideas not infringed by statute proscribing possession of marijuana. 56 H. 501, 542 P.2d 366.

Protected speech does not include unprotected obscenity under the [First Amendment](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm) of U.S. Constitution. 58 H. 440, 573 P.2d 945.

Procedural requirements for seizure of materials in obscenity prosecutions. 63 H. 596, 634 P.2d 80.

Standard for suppression of evidence where seizure violated freedom of speech or expression. 63 H. 596, 634 P.2d 80.

Purchase of allegedly obscene material from "willing sellers" was actually "preconceived search" designed to evade warrant procedures whose specific purpose is protection of [First Amendment](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm) freedoms. 64 H. 109, 637 P.2d 1095.

Police involvement in enforcing the hospital's right against trespass did not convert actions into a state action; appellants did not have a right to distribute leaflets and express anti-abortion views on hospital premises. 71 H. 190, 787 P.2d 216.

Attorneys' extrajudicial statements may be subject to prior restraint by trial court upon demonstration that the activity restrained poses a serious and imminent threat to defendant's right to a fair trial and to the fair administration of justice. 73 H. 499, 835 P.2d 637.

Defendant's statement not false or defamatory where statement was rhetorical hyperbole--figurative or hyperbolic language that would negate the impression that defendant was asserting an objective fact about plaintiff. 88 H. 94, 962 P.2d 353.

Neither the free speech clause of the U.S. Constitution nor that of the Hawaii constitution impose a temporal "immediacy" requirement that must be met before words become subject to criminal prosecution as "true threats" under §§[707-715](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0707/HRS_0707-0715.htm) and [707-716](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0707/HRS_0707-0716.htm). 95 H. 465, 24 P.3d 661.

[Section 852-1](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0852/HRS_0852-0001.htm) not unconstitutional as it does not prohibit picketing or the communication of messages altogether, is specifically aimed at conduct causing an obstruction of ingress to or egress from public or private places, and individuals may continue to exercise rights guaranteed by the [First Amendment](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm) and [article I, §4](https://www.lwv-hawaii.com/govt/constitution/art01.htm#04) of the Hawaii constitution as long as they do not do so in a manner prohibited by section. 89 H. 27 (App.), 968 P.2d 194.

Defendant's continuing physical obstruction of the lawful work by the Hawaii county department of water supply on Hawaiian home lands property constituted conduct clearly outside the scope of any [First Amendment](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0001-.htm) right to freedom of speech. 105 H. 319 (App.), 97 P.3d 395.

***[Hawaii Legal Reporter Citations:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2204)***

Due process. 77-2 HLR 77-793.

**[1.5](https://www.lwv-hawaii.com/govt/constitution/art01.htm%22%20%5Cl%20%22Top)
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.  [*Ren and am Const Con 1978 and election Nov 7, 1978*]

***[Attorney General Opinions:](https://www.lwv-hawaii.com/govt/constitution/arts01.htm%22%20%5Cl%20%2205)***

See also notes to U.S. Const. [Amend. 14](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/01-USCON/USCON_AM-0014-0001.htm).

Equal protection--extra tax on liquid fuel imposed only in city and county of Honolulu would not be invalid. Att. Gen. Op. 63-23.

Student regulations at state universities are subject to the vagueness standard but do not require the same specificity required of criminal statutes. Att. Gen. Op. 71-9.

**CONSTITUTION OF THE STATE OF IDAHO**

**APPROVED JULY 3, 1890**

***PREAMBLE***

*We, the people of the State of Idaho,*

*grateful to Almighty God for our freedom,*

*to secure its blessings and promote*

*our common welfare do establish*

*this Constitution.*

**ARTICLE I – DECLARATION OF RIGHTS**

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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 or 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.

**SECTION 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.

**SECTION 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.

**SECTION 7.** RIGHT TO TRIAL BY JURY. The right of 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, by the consent of all 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 district court, the jury shall consist of not more than six.

**SECTION 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 or indictment of a grand jury or on information of the public 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 public prosecutor.

**SECTION 9.** FREEDOM OF SPEECH. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 15.** IMPRISONMENT FOR DEBT PROHIBITED. There shall be no imprisonment for debt in this state except in cases of fraud.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 19.** RIGHT OF SUFFRAGE GUARANTIED. No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

**SECTION 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.

**SECTION 21.** RESERVED RIGHTS NOT IMPAIRED. This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

**SECTION 22.** RIGHTS OF CRIME VICTIMS. A crime victim, as defined by statute, has the following rights:

(1) To be treated with fairness, respect, dignity and privacy throughout the criminal justice process.
(2) To timely disposition of the case.
(3) To prior notification of trial court, appellate and parole proceedings and, upon request, to information about the sentence, incarceration and release of the defendant.
(4) To be present at all criminal justice proceedings.
(5) To communicate with the prosecution.
(6) To be heard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration or release of the defendant, unless manifest injustice would result.
(7) To restitution, as provided by law, from the person committing the offense that caused the victim's loss.
(8) To refuse an interview, ex parte contact, or other request by the defendant, or any other person acting on behalf of the defendant, unless such request is authorized by law.
(9) To read presentence reports relating to the crime.
(10) To the same rights in juvenile proceedings, where the offense is a felony if committed by an adult, as guaranteed in this section, provided that access to the social history report shall be determined by statute.

Nothing in this section shall be construed to authorize a court to dismiss a case, to set aside or void a finding of guilt or an acceptance of a plea of guilty, or to obtain appellate, habeas corpus, or other relief from any criminal judgment, for a violation of the provisions of this section; nor be construed as creating a cause of action for money damages, costs or attorney fees against the state, a county, a municipality, any agency, instrumentality or person; nor be construed as limiting any rights for victims previously conferred by statute. This section shall be self-enacting. The legislature shall have the power to enact laws to define, implement, preserve, and expand the rights guaranteed to victims in the provisions of this section.

**SECTION 23.** THE RIGHTS TO HUNT, FISH AND TRAP. The rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping. Public hunting, fishing and trapping of wildlife shall be a preferred means of managing wildlife. The rights set forth herein do not create a right to trespass on private property, shall not affect rights to divert, appropriate and use water, or establish any minimum amount of water in any water body, shall not lead to a diminution of other private rights, and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual's hunting, fishing or trapping license.

**Constitution of the State of Illinois**

**PREAMBLE**

 We, the People of the State of Illinois - grateful to

Almighty God for the civil, political and religious liberty

which He has permitted us to enjoy and seeking His blessing

upon our endeavors - in order to provide for the health,

safety and welfare of the people; maintain a representative

and orderly government; eliminate poverty and inequality;

assure legal, social and economic justice; provide

opportunity for the fullest development of the individual;

insure domestic tranquility; provide for the common defense;

and secure the blessings of freedom and liberty to ourselves

and our posterity - do ordain and establish this Constitution

for the State of Illinois.

(Source: Illinois Constitution.)

**Constitution of the State of Illinois**

**ARTICLE I**

**BILL OF RIGHTS**

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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 be given by law to any religious denomination or

mode of worship.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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 be confronted with the witnesses against him or

her and to have process to compel the attendance of witnesses

in his or her 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.

(Source: Amendment adopted at general election November 8,

1994.)

SECTION 8.1. CRIME VICTIMS' RIGHTS.

 (a) Crime victims, as defined by law, shall have the

following rights:

 (1) The right to be treated with fairness and

 respect for their dignity and privacy and to be free

 from harassment, intimidation, and abuse throughout the

 criminal justice process.

 (2) The right to notice and to a hearing before a

 court ruling on a request for access to any of the

 victim's records, information, or communications which

 are privileged or confidential by law.

 (3) The right to timely notification of all court

 proceedings.

 (4) The right to communicate with the prosecution.

 (5) The right to be heard at any post-arraignment

 court proceeding in which a right of the victim is at

 issue and any court proceeding involving a

 post-arraignment release decision, plea, or sentencing.

 (6) The right to be notified of the conviction, the

 sentence, the imprisonment, and the release of the

 accused.

 (7) The right to timely disposition of the case

 following the arrest of the accused.

 (8) The right to be reasonably protected from the

 accused throughout the criminal justice process.

 (9) The right to have the safety of the victim and

 the victim's family considered in denying or fixing the

 amount of bail, determining whether to release the

 defendant, and setting conditions of release after

 arrest and conviction.

 (10) The right to be present at the trial and all

 other court proceedings on the same basis as the

 accused, unless the victim is to testify and the court

 determines that the victim's testimony would be

 materially affected if the victim hears other testimony

 at the trial.

 (11) The right to have present at all court

 proceedings, subject to the rules of evidence, an

 advocate and other support person of the victim's choice.

 (12) The right to restitution.

 (b) The victim has standing to assert the rights

enumerated in subsection (a) in any court exercising

jurisdiction over the case. The court shall promptly rule

on a victim's request. The victim does not have party status.

The accused does not have standing to assert the rights of a

victim. The court shall not appoint an attorney for the

victim under this Section. Nothing in this Section shall be

construed to alter the powers, duties, and responsibilities

of the prosecuting attorney.

 (c) The General Assembly may provide for an assessment

against convicted defendants to pay for crime victims' rights.

 (d) Nothing in this Section or any law enacted under this

Section creates a cause of action in equity or at law for

compensation, attorney's fees, or damages against the State,

a political subdivision of the State, an officer, employee,

or agent of the State or of any political subdivision of the

State, or an officer or employee of the court.

 (e) Nothing in this Section or any law enacted under this

Section shall be construed as creating (1) a basis for

vacating a conviction or (2) a ground for any relief

requested by the defendant.

(Source: Amendment adopted at general election November

4, 2014.)

SECTION 9. BAIL AND HABEAS CORPUS

 All persons shall be bailable by sufficient sureties,

except for the following offenses where the proof is evident

or the presumption great: capital offenses; offenses for

which a sentence of life imprisonment may be imposed as a

consequence of conviction; and felony offenses for which a

sentence of imprisonment, without conditional and revocable

release, shall be imposed by law as a consequence of

conviction, when the court, after a hearing, determines that

release of the offender would pose a real and present threat

to the physical safety of any person. 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.

 Any costs accruing to a unit of local government as a

result of the denial of bail pursuant to the 1986 Amendment

to this Section shall be reimbursed by the State to the unit

of local government.

(Source: Amendment adopted at general election November 4,

1986.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 13. TRIAL BY JURY

 The right of trial by jury as heretofore enjoyed shall

remain inviolate.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

SECTION 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.

(Source: Illinois Constitution.)

Indiana

Article 1 - Bill of Rights

Section 1. WE DECLARE, That all men are created equal; that they are endowed by their CREATOR with certain unalienable 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.

Section 2. All men shall be secured in the natural right to worship Almighty God, according to the dictates of their own consciences.

Section 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Section 4. 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.

Section 5. No religious test shall be required, as a qualification for any office of trust or profit.

Section 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

Section 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Section 8. 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.

Section 9. 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.

Section 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

Section 11. 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.

Section 12. 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.

Section 13. 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.

Section 14. 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.

Section 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

Section 16. 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.

Section 17. 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.

Section 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

Section 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

Section 20. In all civil cases, the right of trial by jury shall remain inviolate.

Section 21. 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.

Section 22. 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.

Section 23. 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.

Section 24. No ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Section 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in the Constitution.

Section 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

Section 27. 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.

Section 28. Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

Section 29. 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.

Section 30. No conviction shall work corruption of blood, or forfeiture of estate.

Section 31. 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.

Section 32. The people shall have a right to bear arms, for the defense of themselves and the State.

Section 33. The military shall be kept in strict subordination to the civil power.

Section 34. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in the time of war but in a manner to be prescribed by law.

Section 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

Section 36. Emigration from the State shall not be prohibited.

Section 37. 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.

[343]

CONSTITUTION OF THE STATE OF IOWA

**Preamble.** We, the people of the territory of Iowa, grateful to the Supreme

Being for the blessings hitherto enjoyed, and feeling our dependence on Him

for a continuation of those blessings, do ordain and establish a free and independent

government, by the name of the State of Iowa, the boundaries whereof

shall be as follows:

**Boundaries.** Beginning in the middle of the main channel of the Mississippi

river, at a point due east of the middle of the mouth of the main channel of

the Des Moines river; thence up the middle of the main channel of the said

Des Moines river, to a point on said river where the northern boundary line

of the state of Missouri—as established by the constitution of that state,

adopted June 12, 1820—crosses the said middle of the main channel of the

said Des Moines river ; thence westwardly along the said northern boundary

line of the state of Missouri, as established at the time aforesaid, until an extension

of said line intersect the middle of the main channel of the Missouri

river; thence up the middle of the main channel of the said Missouri river to

a point opposite the middle of the main channel of the Big Sioux river, according

to Nicollet's map; thence up the main channel of the said Big Sioux river,

according to said map, until it is intersected by the parallel of forty-three

degrees and thirty minutes north latitude ; thence east along said parallel of

forty-three degrees and thirty minutes until said parallel intersects the middle

of the main channel of the Mississippi river; thence down the middle of the

main channel of said Missippi river to the place of beginning.

ARTICLE 1.

BILL OF RIGHTS.

**1. Rights of persons.** All men are, by nature, free and independent, and

have certain unalienable rights—among which are those of enjoying and defending

life and liberty, acquiring, possessing and protecting property, and

pursuing and obtaining safety and happiness.

2. **Political power.** All political power is inherent in the people. Government

is instituted for the protection, security, and benefit of [544] the people,

and they have the right, at all times, to alter or reform the same, whenever the

public good may require it.

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.

4. **Religious test.** 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.

CONSTITUTION OF THE STATE OF IOWA 405

**5. Dueling.** Any citizen of this state who may hereafter be engaged,

cither 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.

6. **Laws uniform.** All laws of a general nature shall have a uniform operation.

7. **Liberty of speech and the press.** Every person may speak, write, and

publish his sentiments on all subjects, being responsible for the abuse of that

light. 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

¡riven in evidence to the jury, and if it appear to the jury that the matter

charged as libelous was true, and was published with good motives and for

justifiable ends, the party shall be acquitted.

8. **Personal security.** 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 papers and things to be seized.

9. **Trial by jury.** 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.

10. **Rights of persons accused.** In all criminal prosecutions, the accused

shall have a right to a speedy trial by an impartial jury; to be informed of

the accusation against him ; to be confronted with the witnesses against him ;

to have compulsory process for his own witnesses, and to have the assistance

of counsel.

11. **Indictment.** No person shall be held to answer for a criminal offense,

unless on presentment or indictment by a grand jury, except in cases cognizable

before a justice of the peace, or [545] arising in the army or navy, or in the

militia, when in actual service, in time of war or public danger.

12. **Twice tried—bail.** No person shall, after acquittal, be tried for the

i-ame offense. All persons shall, before conviction, be bailable by sufficient

sureties, except for capital offenses where the proof is evident or the presumption

great.

13. **Habeas corpus.** The writ of *habeas corpus* shall not be suspended,

unless in case of rebellion or invasion the public safety may require it.

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

Avar, no appropriation for a standing army shall be for a longer time than tAvo

years.

15. **Quartering soldiers.** No soldier shall, in time of peace, be quartered

in any house Avithout the consent of the OAvner, nor in time of Avar except in

the manner prescribed by law.

16. **Treason.** Treason against the state shall consist only in levying Avar

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.

17. **Bail**—**punishments.** Excessive bail shall not be required ; excessive fines

shall not be imposed, and cruel and unusual punishments shall not be inflicted.

18. **Property.** Private property shall not be taken for public use Avithout

just compensation.

19. **Imprisonment for debt.** No person shall be imprisoned for debt in any

406 CONSTITUTION OF THE STATE OF IOWA

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.

20. **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.

21. **Attainder.** No bill of attainder, *ex post facto* law, or laAV impairing

the obligation of contracts shall ever be passed.

22. **Aliens hold property.** Foreigners who are or who 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.

23. **Slavery.** Neither slavery nor involuntary servitude, unless for the

punishment of crimes, shall ever be tolerated in this state.

24. **Reservation.** This enumeration of rights shall not be construed to

impair or deny others, retained by the people.

[546] ARTICLE 2.

RIGHT OF SUFFRAGE.

1. **Electors.** Every white male citizen of the United States of the age of

twenty-one years, who shall have been a resident of the state six months next

preceding the election, and the county in which he claims his vote twenty

days, shall be entitled to vote at all elections which are now or hereafter may

be authorized by law.

2. **Privilege.** Electors shall, in all cases except treason, felony or breach

of the peace be privileged from arrest on the days of election, during their

attendance at such election, going to and returning therefrom.

3. **Same.** No elector shall be obliged to perform militia duty on the day

of election, except in time of war or public danger.

4. **"Resident."** No person in the military, naval or marine service of the

United States, shall be considered a resident of this state by being stationed

in any garrison, barrack, or military or naval place or station within this

state.

5. **Exception.** No idiot or insane person, or person convicted of any infamous

crime, shall be entitled to the privilege of an elector.

6. **Ballot.** All elections by the people shall be by ballot.

ARTICLE 3.

OF THE DISTRIBUTION OF POWERS.

1. **Departments of the government.** The powers of the government of Iowa

shall be divided into three separate departments—the legislative, the executive,

and the judicial; and no person charged with the exercise of powers

properly belonging to one of these departments, shall exercise any function

appertaining to either of the others, except in cases hereinafter expressly

directed or permitted.

LEGISLATIVE DEPARTMENT.

Louisiana

ARTICLE I. DECLARATION OF RIGHTS

§1. Origin and Purpose of Government

Section 1. 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.

§2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, or property, except by due process of law.

§3. Right to Individual Dignity

Section 3. 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.

§4. Right to Property

Section 4.(A) 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.

(B)(1) 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. Except as specifically authorized by Article VI, Section 21 of this Constitution property shall not be taken or damaged by the state or its political subdivisions: (a) for predominant use by any private person or entity; or (b) for transfer of ownership to any private person or entity.

(2) As used in Subparagraph (1) of this Paragraph and in Article VI, Section 23 of this Constitution, "public purpose" shall be limited to the following:

(a) A general public right to a definite use of the property.

(b) Continuous public ownership of property dedicated to one or more of the following objectives and uses:

(i) Public buildings in which publicly funded services are administered, rendered, or provided.

(ii) Roads, bridges, waterways, access to public waters and lands, and other public transportation, access, and navigational systems available to the general public.

(iii) Drainage, flood control, levees, coastal and navigational protection and reclamation for the benefit of the public generally.

(iv) Parks, convention centers, museums, historical buildings and recreational facilities generally open to the public.

(v) Public utilities for the benefit of the public generally.

(vi) Public ports and public airports to facilitate the transport of goods or persons in domestic or international commerce.

(c) The removal of a threat to public health or safety caused by the existing use or disuse of the property.

(3) Neither economic development, of tax revenue, or any incidental benefit to the public shall be considered in determining whether the taking or damaging of property is for a public purpose pursuant to Subparagraph (1) of this Paragraph or Article VI, Section 23 of this Constitution.

enhancement (4) 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.

(5) In every expropriation or action to take property pursuant to the provisions of this Section, a party has the right to trial by jury to determine whether the compensation is just, and the owner shall be compensated to the full extent of his loss. Except as otherwise provided in this Constitution, the full extent of loss shall include, but not be limited to, the appraised value of the property and all costs of relocation, inconvenience, and any other damages actually incurred by the owner because of the expropriation.

(6) 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.

(C) Personal effects, other than contraband, shall never be taken.

(D) But the following property may be forfeited and disposed of in a civil proceeding, as provided by law: contraband drugs; property derived in whole or in part from contraband drugs; property used in the distribution, transfer, sale, felony possession, manufacture, or transportation of contraband drugs; property furnished or intended to be furnished in exchange for contraband drugs; property used or intended to be used to facilitate any of the above conduct; or other property because the above-described property has been rendered unavailable.

(E) This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

(F) Further, the legislature may place limitations on the extent of recovery for the taking of, or loss or damage to, property rights affected by coastal wetlands conservation, management, preservation, enhancement, creation, or restoration activities.

(G) Compensation paid for the taking of, or loss or damage to, property rights for the construction, enlargement, improvement, or modification of federal or non-federal hurricane protection projects, including mitigation related thereto, shall not exceed the compensation required by the Fifth Amendment of the Constitution of the United States of America. However, this Paragraph shall not apply to compensation paid for a building or structure that was destroyed or damaged by an event for which a presidential declaration of major disaster or emergency was issued, if the taking occurs within three years of such event. The legislature by law may provide procedures and definitions for the provisions of this Paragraph.

(H)(1) Except for leases or operation agreements for port facilities, highways, qualified transportation facilities or airports, the state or its political subdivisions shall not sell or lease property which has been expropriated and held for not more than thirty years without first offering the property to the original owner or his heir, or, if there is no heir, to the successor in title to the owner at the time of expropriation at the current fair market value, after which the property can only be transferred by competitive bid open to the general public. After thirty years have passed from the date the property was expropriated, the state or political subdivision may sell or otherwise transfer the property as provided by law.

(2) Within one year after the completion of the project for which the property was expropriated, the state or its political subdivision which expropriated the property shall identify all property which is not necessary for the public purpose of the project and declare the property as surplus property.

(3) All expropriated property identified as surplus property shall be offered for sale to the original owner or his heir, or, if there is no heir, to the successor in title to the owner at the time of expropriation at the current fair market value, within two years after completion of the project. If the original owner, heir, or other successor in title refuses or fails to purchase the surplus property within three years from completion of the project, then the surplus property may be offered for sale to the general public by competitive bid.

(4) After one year from the completion of the project for which property was expropriated, the original owner or his heir, or, if there is no heir, the successor in title to the owner at the time of expropriation may petition the state or its political subdivision which expropriated the property to have all or any portion of his property declared surplus. If the state or its political subdivision refuses or fails to identify all or any portion of the expropriated property as surplus, the original owner or the successor in title may petition any court of competent jurisdiction to have the property declared surplus.

*Amended by Acts 1989, No. 840, §1, approved Oct. 7, 1989, eff. Nov. 7, 1989; Acts 2003, No. 1295, §1, approved Oct. 4, 2003, eff. Nov. 6, 2003; Acts 2003, No. 1304, §1, approved Oct. 4, 2003, eff. Nov. 6, 2003; Acts 2006, No. 851, §1, approved Sept. 30, 2006, eff. Oct. 31, 2006; Acts 2006, No. 853, §1, approved Sept. 30, 2006, eff. Oct. 31, 2006; Acts 2006, No. 859, §1, approved Sept. 30, 2006, eff. Oct. 31, 2006.*

§5. Right to Privacy

Section 5. 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.

§6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

§7. Freedom of Expression

Section 7. 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.

§8. Freedom of Religion

Section 8. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

§9. Right of Assembly and Petition

Section 9. No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances.

§10. Right to Vote; Disqualification from Seeking or Holding an Elective Office

Section 10.(A) 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.

(B) Disqualification. The following persons shall not be permitted to qualify as a candidate for elective public office or take public elective office or appointment of honor, trust, or profit in this state:

(1) A person who has been convicted within this state of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government or country having such authority to pardon in the place where the person was convicted and sentenced.

(2) A person actually under an order of imprisonment for conviction of a felony.

(C) Exception. Notwithstanding the provisions of Paragraph (B) of this Section, a person who desires to qualify as a candidate for or hold an elective office, who has been convicted of a felony and who has served his sentence, but has not been pardoned for such felony, shall be permitted to qualify as a candidate for or hold such office if the date of his qualifying for such office is more than fifteen years after the date of the completion of his original sentence.

*Acts 1997, No. 1492, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.*

§10.1. Disqualification from Seeking or Holding an Elective Office or Appointment

Section 10.1.(A) Disqualification. The following persons shall not be permitted to qualify as a candidate for elective public office or hold elective public office or appointment of honor, trust, or profit in this state:

(1) A person actually under an order of imprisonment for conviction of a felony.

(2) A person who has been convicted within this state of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government, or country having such authority to pardon in the place where the person was convicted and sentenced.

(B) Exception. The provisions of Paragraph (A) of this Section shall not prohibit a person convicted of a felony from qualifying as a candidate for elective public office or holding such elective public office or appointment of honor, trust, or profit if more than five years have elapsed since the completion of his original sentence for the conviction.

(C) The provisions of Paragraph (A) of this Section shall not prohibit a person from being employed by the state or a political subdivision.

*Added by Acts 2019, No. 719, §1, approved November 6, 2019, eff. December 12, 2019.*

§11. Right to Keep and Bear Arms

Section 11. The right of each citizen to keep and bear arms is fundamental and shall not be infringed. Any restriction on this right shall be subject to strict scrutiny.

*Amended by Acts 2012, No. 874, §1, approved November 6, 2012, eff. December 10, 2012.*

§12. Freedom from Discrimination

Section 12. 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.

§13. Rights of the Accused

Section 13. 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.

§14. Right to Preliminary Examination

Section 14. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.

§15. Initiation of Prosecution

Section 15. 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.

§16. Right to a Fair Trial

Section 16. 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. However, nothing in this Section or any other section of this constitution shall prohibit the legislature from enacting a law to require a trial court to instruct a jury in a criminal trial that the governor is empowered to grant a reprieve, pardon, or commutation of sentence following conviction of a crime, that the governor in exercising such authority may commute or modify a sentence of life imprisonment without benefit of parole to a lesser sentence which includes the possibility of parole, may commute a sentence of death to a lesser sentence of life imprisonment without benefit of parole, or may allow the release of an offender either by reducing a life imprisonment or death sentence to the time already served by the offender or by granting the offender a pardon.

§17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial

Section 17.(A) 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 for an offense committed prior to January 1, 2019, 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 for an offense committed on or after January 1, 2019, in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, all 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, all of whom must concur to render a verdict. The accused shall have a 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 but no later than forty-five days prior to the trial date and the waiver shall be irrevocable.

(B) Joinder of Felonies; Mode of Trial. Notwithstanding any provision of law to the contrary, offenses in which punishment is necessarily confinement at hard labor may be charged in the same indictment or information with offenses in which the punishment may be confinement at hard labor; provided, however, that the joined offenses are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan; and provided further, that cases so joined shall be tried by a jury composed of twelve jurors, ten of whom must concur to render a verdict.

*Acts 1997, No. 1502, §1, approved Oct. 3, 1998, effective Nov. 5, 1998; Acts 2010, No. 1053, §1, approved November 2, 2010, effective December 1, 2010; Acts 2019, No. 722, §1, approved November 6, 2019, eff. December 12, 2019.*

§18. Right to Bail

Section 18.(A) 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.

(B) However, a person charged with a crime of violence as defined by law or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the Louisiana Controlled Dangerous Substances Law, and the proof is evident and the presumption of guilt is great, shall not be bailable if, after a contradictory hearing, the judge or magistrate finds by clear and convincing evidence that there is a substantial risk that the person may flee or poses an imminent danger to any other person or the community.

*Acts 1997, No. 1498, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.*

§19. Right to Judicial Review

Section 19. 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.

§20. Right to Humane Treatment

Section 20. 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.

§21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

§22. Access to Courts

Section 22. 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.

§23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

§24. Unenumerated Rights

Section 24. The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.

§25. Rights of a Victim

Section 25. Any person who is a victim of crime shall be treated with fairness, dignity, and respect, and shall be informed of the rights accorded under this Section. As defined by law, a victim of crime shall have the right to reasonable notice and to be present and heard during all critical stages of preconviction and postconviction proceedings; the right to be informed upon the release from custody or the escape of the accused or the offender; the right to confer with the prosecution prior to final disposition of the case; the right to refuse to be interviewed by the accused or a representative of the accused; the right to review and comment upon the presentence report prior to imposition of sentence; the right to seek restitution; and the right to a reasonably prompt conclusion of the case. The legislature shall enact laws to implement this Section. The evidentiary and procedural laws of this state shall be interpreted in a manner consistent with this Section.

Nothing in this Section shall be construed to inure to the benefit of an accused or to confer upon any person the right to appeal or seek supervisory review of any judicial decision made in a criminal proceeding. Nothing in this Section shall be the basis for an award of costs or attorney fees, for the appointment of counsel for a victim, or for any cause of action for compensation or damages against the state of Louisiana, a political subdivision, a public agency, or a court, or any officer, employee, or agent thereof. Remedies to enforce the rights enumerated in this Section shall be provided by law.

*Acts 1997, No. 1487, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.*

§26. State Sovereignty

Section 26. The people of this state have the sole and exclusive right of governing themselves as a free and sovereign 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.

*Acts 1997, No. 1494, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.*

§27. Freedom to Hunt, Fish and Trap

Section27. The freedom to hunt, fish, and trap wildlife, including all aquatic life, traditionally taken by hunters, trappers and anglers, is a valued natural heritage that shall be forever preserved for the people. Hunting, fishing and trapping shall be managed by law and regulation consistent with Article IX, Section I of the Constitution of Louisiana to protect, conserve and replenish the natural resources of the state. The provisions of this Section shall not alter the burden of proof requirements otherwise established by law for any challenge to a law or regulation pertaining to hunting, fishing or trapping the wildlife of the state, including all aquatic life. Nothing contained herein shall be construed to authorize the use of private property to hunt, fish, or trap without the consent of the owner of the property.

*Added by Acts 2004, No. 927, §1, approved Nov. 2, 2004, eff. Dec. 7, 2004.*

**CONSTITUTION OF THE STATE OF MAINE
2013 ARRANGEMENT**

**(Arranged by the Chief Justice of the Maine Supreme Judicial Court
and approved by the Maine State Legislature, Resolve 2013, chapter 75,
pursuant to the Constitution of Maine, Article X, Section 6)**

**PREAMBLE.**

**Objects of government**.  We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

**Article I.**

**Declaration of Rights.**

**Section 1.  Natural rights.**  All people 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.

**Section 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.

**Section 3.  Religious freedom; sects equal; religious tests prohibited; religious teachers.**  All individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no person shall be hurt, molested or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments, provided that that person 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.

**Section 4.  Freedom of speech and publication; libel; truth given in evidence; jury determines law and fact.**  Every citizen may freely speak, write and publish 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 people 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.

**Section 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.

**Section 6.  Rights of persons accused.**  In all criminal prosecutions, the accused shall have a right to be heard by the accused and counsel to the accused, or either, at the election of the accused;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against the accused;

To have compulsory process for obtaining witnesses in favor of the accused;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity.  The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of life, liberty, property or privileges, but by judgment of that person's peers or the law of the land.

**Section 6-A.  Discrimination against persons prohibited.**  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 that person's civil rights or be discriminated against in the exercise thereof.

**Section 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.

**Section 8.  No double jeopardy.**  No person, for the same offense, shall be twice put in jeopardy of life or limb.

**Section 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 offense; excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

**Section 10.  Bailable offenses; habeas corpus.**  No person before conviction shall be bailable for any of the crimes which now are, or have been denominated capital offenses 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.

**Section 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.

**Section 12.  Treason; testimony of 2 witnesses.**  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 2 witnesses to the same overt act, or confession in open court.

**Section 13.  Suspension of laws.**  The laws shall not be suspended but by the Legislature or its authority.

**Section 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.

**Section 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.

**Section 16.  To keep and bear arms.**  Every citizen has a right to keep and bear arms and this right shall never be questioned.

**Section 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.

**Section 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.

**Section 19.  Right of redress for injuries.**  Every person, for an injury inflicted on the person or the person's 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.

**Section 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 or herself and with counsel, or either, at the election of the party.

**Section 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.

**Section 22.  Taxes.**  No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.

**Section 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.

**Section 24.  Other rights not impaired.**  The enumeration of certain rights shall not impair nor deny others retained by the people.

[CONSTITUTION OF MARYLAND](https://msa.maryland.gov/msa/mdmanual/43const/html/const.html)

**ADOPTED BY THE CONVENTION**

Which Assembled at the City of Annapolis on the Eighth Day of May, Eighteen Hundred and Sixty-seven, and Adjourned on the Seventeenth Day of August, Eighteen Hundred and Sixty-seven, and was Ratified by the People on the Eighteenth Day of September, Eighteen Hundred and Sixty-seven [with Amendments through Two Thousand and Eighteen (including amendments proposed by the General Assembly and ratified by the voters November 6, 2018)].

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:*

**Article 1.** 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.** 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.** 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.

**Art. 4.** 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.** (a)

(1) 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 Caecilius Calvert, Baron of Baltimore.

(2) Legislation may be enacted that limits the right to trial by jury in civil proceedings to those proceedings in which the amount in controversy exceeds $15,000 *(added by Chapter 422, Acts of 2006, ratified Nov. 7, 2006; amended by Chapter 480, Acts of 2010, ratified Nov. 2, 2010).*

(b) The parties to any civil proceeding in which the right to a jury trial is preserved are entitled to a trial by jury of at least 6 jurors.

(c) That notwithstanding the Common Law of England, nothing in this Constitution prohibits trial by jury of less than 12 jurors in any civil proceeding in which the right to a jury trial is preserved *(amended by Chapters 203, 204, Acts of 1992, ratified Nov. 3, 1992)*.

**Art. 6.** 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.** 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 *(amended by Chapter 357, Acts of 1971, ratified Nov. 7, 1972)*.

**Art. 8.** 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.** 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.** That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.

**Art. 11.** 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.** That for redress of grievances, and for amending, strengthening and preserving the Laws, the Legislature ought to be frequently convened.

**Art. 13.** That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.

**Art. 14.** 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.** 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 *(amended by Chapter 390, Acts of 1914, ratified Nov. 2, 1915; Chapter 64, Acts of 1960, ratified Nov. 8, 1960)*.

**Art. 16.** 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.** 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.** That no Law to attaint particular persons of treason or felony, ought to be made in any case, or at any time, hereafter.

**Art. 19.** 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.

**Art. 20.** 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.** 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.** That no man ought to be compelled to give evidence against himself in a criminal case.

**Art. 23.** In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of 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 $15,000, shall be inviolably preserved *(amended by Chapter 407, Acts of 1949, ratified Nov. 7, 1950; Chapter 789, Acts of 1969, ratified Nov. 3, 1970. Transferred from Article XV, secs. 5 and 6, by Chapter 681, Acts of 1977, ratified Nov. 7, 1978. Amended by Chapters 205, 206, Acts of 1992, ratified Nov. 3, 1992; Chapter 322, Acts of 1998, ratified Nov. 3, 1998; Chapter 480, Acts of 2010, ratified Nov. 2, 2010)*.

**Art. 24.** 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 *(amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978)*.

**Art. 25.** 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.** 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.** That no conviction shall work corruption of blood or forfeiture of estate.

**Art. 28.** That a well regulated Militia is the proper and natural defence of a free Government.

**Art. 29.** That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

**Art. 30.** 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.** 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.** 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.** 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; except that a judge may be a member of a reserve component of the armed forces of the United States or a member of the militia of the United States or this State; or receive fees, or perquisites of any kind, for the discharge of his official duties *(amended by Chapter 61, Acts of 1990, ratified Nov. 6, 1990)*.

**Art. 34.** That a long continuance in the Executive Departments of power or trust is dangerous to liberty; a rotation, therefore, in those departments is one of the best securities of permanent freedom *(amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978)*.

**Art. 35.** 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. Nonelected membership in the militia of this State, a law enforcement agency, a fire department or agency, or a rescue squad shall not be considered an office of profit within the meaning of this Article; nor shall any remuneration received as a consequence of membership in a reserve component of the armed forces of the United States or of membership in the militia of the United States or of this State be considered a present within the meaning of this Article *(amended by Chapter 129, Acts of 1964, ratified Nov. 3, 1964; Chapter 61, Acts of 1990, ratified Nov. 6, 1990; Chapter 80, Acts of 1996, ratified Nov. 5, 1996)*.

**Art. 36.** 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 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 *(amended by Chapter 558, Acts of 1970, ratified Nov. 3, 1970)*.

**Art. 37.** 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.** Vacant *(amended by Chapter 623, Acts of 1947, ratified Nov. 2, 1948. Repealed by Chapter 681, Acts of 1977, ratified Nov. 7, 1978)*.

**Art. 39.** 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.** 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.** 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.** That no title of nobility or hereditary honors ought to be granted in this State.

**Art. 43.** 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 *(amended by Chapter 65, Acts of 1960, ratified Nov. 8, 1960)*.

**Art. 44.** 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.** This enumeration of Rights shall not be construed to impair or deny others retained by the People.

**Art. 46.** Equality of rights under the law shall not be abridged or denied because of sex *(added by Chapter 366, Acts of 1972, ratified Nov. 7, 1972. Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978)*.

**Art. 47.** (a) A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.

(b) In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime", "criminal justice proceeding", and "victim" are specified by law.

(c) Nothing in this Article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding *(added by Chapter 102, Acts of 1994, ratified Nov. 8, 1994)*.

**Bill of Rights**



**Document 6**

**Massachusetts Constitution of 1780, PT. 1**

*Handlin 442--48*

**Part the First. A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.**

Art. I.--All men 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.

II.--It is the right as well as the duty of all men in society, publicly, 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.

III.--As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies-politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided notwithstanding, that the several towns, parishes, precincts, and other bodies-politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all monies paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends: otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said monies are raised.

And every denomination of christians, demeaning themselves peaceably, and as good subjects 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.

IV.--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.

V.--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.

VI.--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.

VII.--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, 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.

VIII.--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.

IX.--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.

X.--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 expense 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 controlable by any other laws, than 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.

XI.--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, and without any denial; promptly, and without delay; conformably to the laws.

XII.--No subject shall be held to answer for any crime 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 favorable 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.

XIII.--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.

XIV.--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.

XV.--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 practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high-seas, and such as relate to mariners wages, the legislature shall hereafter find it necessary to alter it.

XVI.--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.

XVII.--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.

XVIII.--A frequent recurrence to the fundamental principles of the constitution, and a constant adherence 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 law-givers 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.

XIX.--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.

XX.--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.

XXI.--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.

XXII.--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.

XXIII.--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.

XXIV.--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.

XXV.--No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI.--No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII.--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.

XXVIII.--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.

XXIX.--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.

XXX.--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.

**MINNISOTA**

The U.S. Constitution's Bill of Rights comprises the original ten amendments ratified in 1791, plus the three post-Civil War amendments (the Thirteenth, Fourteenth and Fifteenth,) and the Nineteenth Amendment (women's suffrage) adopted in 1920.

**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 deprived 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 defense.

**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 re-examined 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.

**AMENDMENT XIII.**

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

**AMENDMENT XIV.**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

**AMENDMENT XV.**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

**AMENDMENT XIX.**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

The U.S. Constitution's Bill of Rights comprises the original ten amendments ratified in 1791, plus the three post-Civil War amendments (the Thirteenth, Fourteenth and Fifteenth,) and the Nineteenth Amendment (women's suffrage) adopted in 1920.

**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 deprived 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 defense.

**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 re-examined 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.

**AMENDMENT XIII.**

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

**AMENDMENT XIV.**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

**AMENDMENT XV.**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

**AMENDMENT XIX.**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

**The Mississippi Constitution of 1868**

|  |
| --- |
|   |
|   |
| **The 1868 Constitution of the State of Mississippi** |
|   |
| *Adopted in Convention 15th day of May, A. D. 1868, and Ratified by the People 1st day of December, A. D. 1869.* |
|   |
|   |
| To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution: |
|   |
| **ARTICLE I. - Bill of Rights** |
|   |
| Section 1. All persons resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi. |
|   |
| Sec. 2. No person shall be deprived of life, liberty, or property, except by due process of law. |
|   |
| Sec. 3. 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. 4. The freedom of speech and of the press shall be held sacred, and in all indictments for libel, the jury shall determine the law and the facts, under the direction of the Court. |
|   |
| Sec. 5. No person's life or liberty shall be twice placed in jeopardy for the same offense. |
|   |
| Sec. 6. The right of the people peaceably to assemble and petition the Government, on any subject, shall never be impaired. |
|   |
| Sec. 7. 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 a compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or 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. |
|   |
| Sec. 8. Cruel or unusual punishment shall not be inflicted, nor shall excessive fines be imposed; 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. 9. No *ex post facto* law, or laws impairing the obligation of contracts, shall ever be passed. |
|   |
| Sec. 10. Private property shall not be taken for public use, except upon due compensation first being made to the owner, or owners thereof, in a manner to be provided for by law. |
|   |
| Sec. 11. There shall be no imprisonment for debt. |
|   |
| Sec. 12. The right of trial by jury shall remain inviolate. |
|   |
| Sec. 13. No property qualification shall ever be required of any person to become a juror. |
|   |
| Sec. 14. 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. 15. All persons shall have a right to keep and bear arms for their defence. |
|   |
| Sec. 16. The rights of married women shall be protected by law in property owned previous to marriage; and also in all property acquired in good faith by purchase, gift, devise, or bequest after marriage; *Provided*, That nothing herein contained shall be so construed as to protect said property from being applied to the payment of their lawful debts. |
|   |
| Sec. 17. No property qualification for eligibility to office shall ever be required. |
|   |
| Sec. 18. No property or educational qualification shall ever be required for any person to become an elector. |
|   |
| Sec. 19. 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. 20. The right to withdraw from the Federal Union on account of any real or supposed grievances 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. 21. No public money, or moneys, shall be appropriated for any charitable or other public institution in this State, making any distinction among the citizens thereof; Provided, That nothing herein contained shall be so construed as to prevent the Legislature from appropriating the school fund in accordance with the article in this Constitution relating to public schools. |
|   |
| Sec. 22. No distinction shall ever be made by law between citizens and alien friends in reference to possession, enjoyment, or descent of property. |
|   |
| Sec. 23. No religious test, as a qualification for office, shall ever be required, and no preference shall ever 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 ever be held sacred; Provided, 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. |
|   |
| Sec. 24. The right of all citizens to travel upon all public conveyances shall not be infringed upon, nor in any manner abridged, in this State. |
|   |
| Sec. 25. The military shall be in strict subordination to the civil power. |
|   |
| Sec. 26. 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. 27. No person's life shall be periled by the practice of dueling; and any person who shall hereafter fight a duel, or assist in the same, as second, or send, accept, or knowingly carry a challenge therefor, or go out of the State to fight a duel, shall be disqualified from holding any office under this Constitution, and shall forever be disfranchised in this State. |
|   |
| Sec. 28. 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. 29. No person shall be elected or appointed to any office in this State for life, or during good behavior, but the term of all offices shall be for some specified period. |
|   |
| Sec. 30. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in this State, by him or herself, or counsel, or both. |
|   |
| Sec. 31. 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 militia, when in actual service, or by leave of the Court, for misdemeanor in office; Provided, That the Legislature, in cases of petit larceny, assaults, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a Grand Jury, and may authorize prosecutions before Justices of the Peace, or such other inferior Court or Courts as may be established by the Legislature; and the proceedings in such cases shall be regulated by law. |
|   |
| Sec. 32. The enumeration of rights in this Constitution shall not be construed to deny or impair others retained by and inherent in the people. |
|   |
| **ARTICLE II. - Boundaries of the State** |
|   |
| The limits and boundaries of the State of Mississippi shall remain as now established by law. |
|   |
| **ARTICLE III. - Distribution of Powers** |
|   |
| Section 1. The powers of the Government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate Magistracy, to-wit: Those which are Legislative to one; those which are Judicial to another, and those which are Executive to another. |
|   |
| Sec. 2. No person or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted. |
|   |
| **ARTICLE IV. - Legislative Department** |
|   |
| Section 1. The Legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and House of Representatives. |
|   |

**CONSTITUTION OF MICHIGAN**

**OF**

**1835**

In convention, begun at the city of Detroit, on the second Monday of May, in the year one thousand eight hundred and thirty five:

**Preamble.**

We, the PEOPLE of the territory of Michigan, as established by the Act of Congress of the Eleventh day of January, in the year one thousand eight hundred and five, in conformity to the fifth article of the ordinance providing for the government of the territory of the United States, North West of the River Ohio, believing that the time has arrived when our present political condition ought to cease, and the right of self-government be asserted; and availing ourselves of that provision of the aforesaid ordinance of the congress of the United States of the thirteenth day of July, one thousand seven hundred and eighty-seven, and the acts of congress passed in accordance therewith, which entitle us to admission into the Union, upon a condition which has been fulfilled, do, by our delegates in convention assembled, mutually agree to form ourselves into a free and independent state, by the style and title of "The State of Michigan," and do ordain and establish the following constitution for the government of the same.

ARTICLE I

BILL OF RIGHTS

**Political power.**

First. All political power is inherent in the people.

**Right of the people.**

2. 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, and to abolish one form of government and establish another, whenever the public good requires it.

**No exclusive privileges.**

3. No man or set of men are entitled to exclusive or separate privileges.

**Religious worship.**

4. Every person has a right to worship Almighty God according to the dictates of his own conscience; and no person can of right be compelled to attend, erect, or support, against his will, any place of religious worship, or pay any tithes, taxes or other rates, for the support of any minister of the gospel or teacher of religion.

**Support of religious societies; by state treasury prohibited**

5. No money shall be drawn from the treasury for the benefit of religious societies, or theological or religious seminaries.

**Rights of conscience.**

6. The civil and religious rights, privileges and capacities of no individual shall be diminished or enlarged on account of his opinions or belief concerning matters of religion.

**Freedom of speech and press.**

7. 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 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.

**Search and seizure.**

8. The person, houses, papers and possessions of every individual shall be secure from unreasonable searches and seizures; and 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.

**Trial by jury.**

9. The right of trial by jury shall remain inviolate.

**Criminal prosecution; rights of accused.**

10. In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury of the vicinage; 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, and in all civil cases, in which personal liberty may be involved, the trial by jury shall not be refused.

**Same; prerequisite of presentment or indictment, exceptions.**

11. 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 cognizable by justices of the peace, or arising in the army or militia when in actual service in the time of war or public danger.

**Twice in jeopardy, bail, habeas corpus.**

12. No person for the same offense, shall be twice put in jeopardy of punishment. All persons shall, before conviction, be bailable by sufficient sureties, except 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 cases of rebellion or invasion, the public safety may require it.

**Right to bear arms.**

13. Every person has a right to bear arms for the defense of himself and the state.

**Military subordinate to civil power.**

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

**Quartering of troops.**

15. 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.

**Treason**

16. 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.

**Attainder, ex post facto, impairment of contract.**

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

**Excessive bail, fines, punishments.**

18. Excessive bail shall not be required; excessive fines shall not be imposed; and cruel and unjust punishments shall not be inflicted.

**Taking property for public use; compensation.**

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

**Right to assemble and petition.**

20. 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.

**CONSTITUTION OF MISSOURI**

EDITOR’S NOTE: Footnotes to sections of the Missouri Constitution show the date(s) of any modifications

to the 1945 edition of that document. Sections are shown as “adopted” if composed entirely of new

language; revised sections are listed as “amended.” The footnotes also show the source of Constitutional

language, often carried over from the Constitution of 1875, and may include references to constitutional

changes prior to 1945. Sections with no footnote contain language from the original 1945 Constitution

that has not been modified since its acceptance.

11

**1945 CONSTITUTION**

**(Revised 2006)**

***of the***

**STATE OF MISSOURI**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PREAMBLE**

We, the people of Missouri, with profound reverence for the Supreme Ruler of the

Universe, and grateful for His goodness, do establish this Constitution

for the better

government of the state.

Source: Preamble of Const. of 1875.

**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:*

Source: Bill of Rights, Const. of 1875, Art. II.

SECTION

1. Source of political power—origin, basis and aim of government.

2. Promotion of general welfare—natural rights of persons—equality under the law—purpose of government.

3. Powers of the people over internal affairs, constitution and form of government.

4. Independence of Missouri—submission of certain amendments to Constitution of the United States.

5. Religious freedom—liberty of conscience and belief—limitations—right to pray—academic religious freedoms and

prayer.

6. Practice and support of religion not compulsory—contracts therefor enforceable.

7. Public aid for religious purposes—preferences and discriminations on religious grounds.

8. Freedom of speech—evidence of truth in defamation actions—province of jury.

9. Rights of peaceable assembly and petition.

10. Due process of law.

11. Imprisonment for debt.

12. Habeas corpus.

13. Ex post facto laws—impairment of contracts—irrevocable privileges.

14. Open courts—certain remedies—justice without sale, denial or delay.

15. Unreasonable search and seizure prohibited—contents and basis of warrants.

16. Grand juries—composition—jurisdiction to convene—powers.

17. Indictments and informations in criminal cases—exceptions.

18(a). Rights of accused in criminal prosecutions.

18(b). Depositions in felony cases.

18(c). Admissibility of evidence.

19. Self-incrimination and double jeopardy.

20. Bail guaranteed—exceptions.

21. Excessive bail and fines—cruel and unusual punishment.

22(a). Right of trial by jury—qualification of jurors—two-thirds verdict.

22(b). Female jurors—optional exemption.

23. Right to keep and bear arms, ammunition, and certain accessories—exception—rights to be unalienable.

24. Subordination of military to civil power—quartering soldiers.

25. Elections and right of suffrage.

26. Compensation for property taken by eminent domain—condemnation juries—payment—railroad property.

27. Acquisition of excess property by eminent domain—disposition under restrictions.

28. Limitation on taking of private property for private use—exceptions—public use a judicial question.

29. Organized labor and collective bargaining.

30. Treason—attainder—corruption of blood and forfeitures—estate of suicides—death by casualty.

31. Fines or imprisonments fixed by administrative agencies.

32. Crime victims’ rights.

33. Marriage, validity and recognition.

34. English to be the official language in this state.

35. Right to farm.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 1.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 4.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 2.

**Section 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 any wise may impair the right of local self-government belonging

to the people of this state, should be submitted to conventions of the people.

Source: Const. of 1875, Art. II, Sec. 3.

**Section 5. Religious freedom—liberty of conscience and belief—limitations—**

**right to pray—academic religious freedoms and prayer.** That all men and women

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 or her religious persuasion

or belief, be rendered ineligible to any public office or trust or profit in this state, be

disqualified from testifying or serving as a juror, or be molested in his or her person or

estate; that to secure a citizen’s right to acknowledge Almighty God according to the

dictates of his or her own conscience, neither the state nor any of its political subdivisions

shall establish any official religion, nor shall a citizen’s right to pray or express

his or her religious beliefs be infringed; that the state shall not coerce any person to

participate in any prayer or other religious activity, but shall ensure that any person

shall have the right to pray individually or corporately in a private or public setting

so long as such prayer does not result in disturbance of the peace or disruption of a

public meeting or assembly; that citizens as well as elected officials and employees

of the state of Missouri and its political subdivisions shall have the right to pray on

government premises and public property so long as such prayers abide within the

same parameters placed upon any other free speech under similar circumstances; that

the General Assembly and the governing bodies of political subdivisions may extend

to ministers, clergypersons, and other individuals the privilege to offer invocations or

Art. I § 1 CONSTITUTION OF MISSOURI 12

other prayers at meetings or sessions of the General Assembly or governing bodies;

that students may express their beliefs about religion in written and oral assignments

free from discrimination based on the religious content of their work; that no student

shall be compelled to perform or participate in academic assignments or educational

presentations that violate his or her religious beliefs; that the state shall ensure public

school students their right to free exercise of religious expression without interference,

as long as such prayer or other expression is private and voluntary, whether individually

or corporately, and in a manner that is not disruptive and as long as such prayers

or expressions abide within the same parameters placed upon any other free speech

under similar circumstances; and, to emphasize the right to free exercise of religious

expression, that all free public schools receiving state appropriations shall display, in a

conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the

United States; but this section shall not be construed to expand the rights of prisoners

in state or local custody beyond those afforded by the laws of the United States, 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.

Source: Const. of 1875, Art. II, § 5. (Amended August 7, 2012)

**Section 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.

Source: Const. of 1875, Art. II, Sec. 6.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 7.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 14.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 29.

**Section 10. Due process of law.—**That no person shall be deprived of life, liberty

or property without due process of law.

Source: Const. of 1875, Art. II, Sec. 30.

13 BILL OF RIGHTS Art. I § 10

**Section 11. Imprisonment for debt.—**That no person shall be imprisoned for debt,

except for nonpayment of fines and penalties imposed by law.

Source: Const. of 1875, Art. II, Sec. 16.

**Section 12. Habeas corpus.—**That the privilege of the writ of habeas corpus shall

never be suspended.

Source: Const. of 1875, Art. II, Sec. 26.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 15.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 10.

**Section 15. Unreasonable search and seizure prohibited—contents and basis of**

**warrants.—**That the people shall be secure in their persons, papers, homes, effects,

and electronic communications and data, from unreasonable searches and seizures; and

no warrant to search any place, or seize any person or thing, or access electronic data or

communication, shall issue without describing the place to be searched, or the person

or thing to be seized, or the data or communication to be accessed, as nearly as may be;

nor without probable cause, supported by written oath or affirmation.

Source: Const. of 1875, Art. II, Sec. 11. (Amended August 5, 2014)

**Section 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.

Source: Const. of 1875, Art. II, Sec. 28 (as amended November 6, 1900).

**Section 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.

Source: Const. of 1875, Art. II, Sec. 12 (as amended November 6, 1900), Sch. of 1875 and Sec. 17.

**Section 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

Art. I § 11 CONSTITUTION OF MISSOURI 14

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.

Source: Const. of 1875, Art. II, Sec. 22.

**Section 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.

Source: Const. of 1945.

**Section 18(c). Admissibility of evidence.—**Notwithstanding the provisions of

sections 17 and 18(a) of this article to the contrary, in prosecutions for crimes of a

sexual nature involving a victim under eighteen years of age, relevant evidence of prior

criminal acts, whether charged or uncharged, is admissible for the purpose of corroborating

the victim’s testimony or demonstrating the defendant’s propensity to commit

the crime with which he or she is presently charged. The court may exclude relevant

evidence of prior criminal acts if the probative value of the evidence is substantially

outweighed by the danger of unfair prejudice.

(Adopted November 4, 2014)

**Section 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.

Source: Const. of 1875, Art. II, Sec. 23.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 24.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 25.

**Section 22(a). Right of trial by jury—qualification of jurors—two-thirds**

**verdict.—**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

15 BILL OF RIGHTS Art. I § 22(a)

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.

Source: Const. of 1875, Art. II, Sec. 28 (as amended November 6, 1900).

**Section 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.

**Section 23. Right to keep and bear arms, ammunition, and certain accessories—**

**exception—rights to be unalienable.—**That the right of every citizen to keep

and bear arms, ammunition, and accessories typical to the normal function of such

arms, in defense of his home, person, family and property, or when lawfully summoned

in aid of the civil power, shall not be questioned. The rights guaranteed by this

section shall be unalienable. Any restriction on these rights shall be subject to strict

scrutiny and the state of Missouri shall be obligated to uphold these rights and shall

under no circumstances decline to protect against their infringement. Nothing in this

section shall be construed to prevent the general assembly from enacting general laws

which limit the rights of convicted violent felons or those adjudicated by a court to be

a danger to self or others as result of a mental disorder or mental infirmity.

Source: Const. of 1875, Art. II, Sec. 17. (Amended August 5, 2014)

**Section 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.

Source: Const. of 1875, Art. II, Sec. 27.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 9.

**Section 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.

Source: Const. of 1875, Art. II, Sec. 21.

**Section 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.

Art. I § 22(b ) CONSTITUTION OF MISSOURI 16

**Section 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 lands 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.

Source: Const. of 1875, Art. II, Sec. 20.

**Section 29.—Organized labor and collective bargaining.—**That employees shall

have the right to organize and to bargain collectively through representatives of their

own choosing.

**Section 30. Treason—attainder—corruption of blood and forfeitures—estate**

**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 can be attainted 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.

Source: Const. of 1875, Art. II, Sec. 13.

**Section 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.

**Section 32. Crime victims’ rights.—**1. Crime victims, as defined by law, shall

have the following rights, as defined by law:

(1) The right to be present at all criminal justice proceedings at which the defendant

has such right, including juvenile proceedings where the offense would have been a

felony if committed by an adult;

(2) Upon request of the victim, the right to be informed of and heard at guilty pleas,

bail hearings, sentencings, probation revocation hearings, and parole hearings, unless

in the determination of the court the interests of justice require otherwise;

(3) The right to be informed of trials and preliminary hearings;

(4) The right to restitution, which shall be enforceable in the same manner as any

other civil cause of action, or as otherwise provided by law;

(5) The right to the speedy disposition and appellate review of their cases, provided

that nothing in this subdivision shall prevent the defendant from having sufficient time

to prepare his defense;

(6) The right to reasonable protection from the defendant or any person acting on

behalf of the defendant;

(7) The right to information concerning the escape of an accused from custody or

confinement, the defendant’s release and scheduling of the defendant’s release from

incarceration; and

(8) The right to information about how the criminal justice system works, the rights

and the availability of services, and upon request of the victim the right to information

about the crime.

17 BILL OF RIGHTS Art. I § 32

2. Notwithstanding section 20 of article I of this Constitution, upon a showing that

the defendant poses a danger to a crime victim, the community, or any other person,

the court may deny bail or may impose special conditions which the defendant and

surety must guarantee.

3. Nothing in this section shall be construed as creating a cause of action for

money damages against the state, a county, a municipality, or any of the agencies,

instrumentalities, or employees provided that the General Assembly

may, by statutory

enactment, reverse, modify, or supercede any judicial decision or rule arising from any

cause of action brought pursuant to this section.

4. Nothing in this section shall be construed to authorize a court to set aside or to

void a finding of guilt, or an acceptance of a plea of guilty in any criminal case.

5. The general assembly shall have power to enforce this section by appropriate

legislation.

(Adopted November 3, 1992)

**Section 33. Marriage, validity and recognition.—**That to be valid and recognized

in this state, a marriage shall exist only between a man and a woman.

(Adopted August 3, 2004)

**Section 34. English to be the official language in this state.—**That English shall be

the language of all official proceedings in this state. Official proceedings shall be limited

to any meeting of a public governmental body at which any public business is discussed,

decided, or public policy formulated, whether such meeting is conducted in person or by

means of communication equipment, including,

but not limited to, conference call, video

conference, Internet chat, or Internet message board. The term “official proceeding”

shall not include an informal gathering of members of a public governmental body for

ministerial or social purposes, but the term shall include a public vote of all or a majority

of the members of a public governmental body, by electronic communication or any

other means, conducted in lieu of holding an official proceeding with the members of the

public governmental body gathered at one location in order to conduct public business.

(Adopted November 4, 2008)

**Section 35. Right to farm.—**That agriculture which provides food, energy, health

benefits, and security is the foundation and stabilizing force of Missouri’s economy.

To protect this vital sector of Missouri’s economy, the right of farmers and ranchers

to engage in farming and ranching practices shall be forever guaranteed in this state,

subject to duly authorized powers, if any, conferred by article VI of the Constitution

of Missouri.

(Adopted August 5, 2014)

Art. I § 33 CONSTITUTION OF MISSOURI 18

**ARTICLE II**

**THE DISTRIBUTION OF POWERS**

SECTION

1. Three departments of government—separation of powers.

**Section 1. Three departments of government—separation of powers.—**The

powers of government shall be divided into three distinct departments—the legislative,

executive and judicial—each of which shall be confided to a separate magistracy, and no

person, or collection of persons, charged with the exercise of powers properly belonging

to one of those departments, shall exercise any power properly belonging to either of

the others, except in the instances in this constitution expressly directed or permitted.

Source: Const. of 1875, Art. III.

**The CONSTITUTION of the STATE OF MONTANA**

**PREAMBLE**

We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of

our mountains, the vastness of our rolling plains, and desiring to improve the quality of

life, equality of opportunity and to secure the blessings of liberty for this and future

generations do ordain and establish this constitution.

**ARTICLE I**

**COMPACT WITH THE UNITED STATES**

All provisions of the enabling act of Congress (approved February 22,1889,25 Stat. 676), as

amended and of Ordinance No. 1, appended to the Constitution of the state of Montana and

approved February 22,1889, including the agreement and declaration that all lands owned or held

by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the

congress of the United States, continue in full force and effect until revoked by the consent of the

United States and the people of Montana.

**ARTICLE II**

**DECLARATION OF RIGHTS**

Section 1. **POPULAR SOVEREIGNTY.** All political powerisvestedin and derived

from the people. All government ofright originates with the people, is founded upon their will only,

and is instituted solely for the good of the whole.

Section **2. SELF-GOVERNMENT.** The people have the exclusiveright 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.

Section **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.

Section **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.

Section **5. FREEDOM OF RELIGION.** The state shall make no law respecting an

establishment of religion or prohibiting the free exercise thereof.

Section **6. FREEDOM OF ASSEMBLY.** The people shall have the right peaceably

to assemble, petition for redress or peaceably protest governmental action.

Section **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.

1088

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 14. **ADULT RIGHTS.** A person 18 years of age or older is an adult for all

purposes.

Section 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.

Section 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.

Section 17. DUE **PROCESS OF LAW.** No person shall be deprived of life, liberty, or

property without due process of law.

Section 16. **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. This provision shall apply only to causes of action arising after July 1, 1973.

Section 19. **HABEAS CORPUS.** The privilege of the writ of habeas corpus shall

never be suspended.

Section 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.

Section 21. **BAIL.** All persons shall be bailable by sufficient sureties, except for

capital offenses, when the proof is evident or the presumption great.

Section 22. **EXCESSIVE SANCTIONS.** Excessive bail shall not be required, or

excessive fines imposed, or cruel and unusual punishments inflicted,

1089

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 28. RIGHTS OF THE CONVICTED. Laws for the punishment of crime

shall be founded on the principles of prevention and reformation. Full rights are restored by

termination of state supervision for any offense against the state.

Section 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.

Section 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.

Section 31. EX POST FACTO, OBLIGATION OF CONTRACTS, AND

IRREVOCABLE PRIVILEGES. NO ex post facto law nor any law impairing the obligation of

contracts, 01’ making any irrevocable grant of special privileges, franchises, or immunities, shall

be passed by the legislature.

Section 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.

Section 33. IMPORTATION OF ARMED PERSONS. NO armed person ~r 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 ofthegovernor

when the legislature cannot be convened,

Section 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.

1090

Section 35. SERVICEMEN, SERVICEWOMEN, AND VETERANS. The people

declare that Montana servicemen, servicewomen, and veterans may be given special

considerations determined by the legislature.

**ARTICLE III**

**GENERAL GOVERNMENT**

Section 1 . SEPARATION OF POWERS. The power of the government of this state

is divided into three distinct branches-legislative, executive, and judicial. No person or persons

charged with the exercise of power properly belonging to one branch shall exercise any power

properly belonging to either of the others, except as in this constitution expressly directed or

permitted.

**CONSTITUTION OF THE STATE OF NEBRASKA**

**OF 1875,**

**AND SUBSEQUENT AMENDMENTS**

**Preamble.**

Preamble. We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the Constitution of the State of Nebraska.

**ARTICLE I**

**BILL OF RIGHTS**

**I-1. Statement of rights.**

All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

**Source:** Neb. Const. art. I, sec. 1 (1875); Amended 1988, Initiative Measure No. 403.

**I-2. Slavery prohibited.**

There shall be neither slavery nor involuntary servitude in this state.

**Source:** Neb. Const. art. I, sec. 2 (1875); Amended 2020, Laws 2019, LR1CA, sec. 1.

**I-3. Due process of law; equal protection.**

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

**Source:** Neb. Const. art I, sec. 3 (1875); Amended 1998, Laws 1997, LR 20CA, sec. 1.

**I-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. Art. I CONSTITUTION OF NEBRASKA

2

**Source:** Neb. Const. art. I, sec. 4 (1875).

**I-5. Freedom of speech and press.**

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.

**Source:** Neb. Const. art. I, sec. 5 (1875).

**I-6. Trial by jury.**

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.

**Source:** Neb. Const. art. I, sec. 6 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 1.

**I-7. 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 oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

**Source:** Neb. Const. art. I, sec. 7 (1875).

**I-8. Habeas corpus.**

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

**Source:** Neb. Const. art. I, sec. 8 (1875); Amended 1998, Laws 1997, LR 30CA, sec. 1.

**I-9. Bail; fines; imprisonment; cruel and unusual 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.

**Source:** Neb. Const. art. I, sec. 9 (1875); Amended 1978, Laws 1978, LB 553, sec. 1.

**Note:** In Hunt v. Roth, 648 F.2d 1148 (8th Cir. 1981), the court held that the portion of this section denying bail to persons charged with certain sexual offenses is an unconstitutional violation of the Eighth Amendment to the Constitution of the United States. But the order in Hunt v. Roth was vacated and remanded in Murphy v. Hunt, 455 U.S. 478, 102 S. Ct. 1181, 71 L. Ed. 2d 353 (1982) for mootness.

**I-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 CONSTITUTION OF NEBRASKA Art. I

3

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.

**Source:** Neb. Const. art. I, sec. 10 (1875).

**I-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 offense is alleged to have been committed.

**Source:** Neb. Const. art. I, sec. 11 (1875).

**I-12. Evidence against self; 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.

**Source:** Neb. Const. art. I, sec. 12 (1875).

**I-13. Justice administered without delay; Legislature; authorization to enforce mediation and arbitration.**

All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.

**Source:** Neb. Const. art. I, sec. 13 (1875); Amended 1996, Laws 1995, LR 1CA, sec. 1.

**I-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.

**Source:** Neb. Const. art. I, sec. 14 (1875).

**I-15. Penalties; corruption of blood; transporting out of state prohibited.**

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.

**Source:** Neb. Const. art. I, sec. 15 (1875).

**I-16. Bill of attainder; retroactive laws; 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.

**Source:** Neb. Const. art. I, sec. 16 (1875). Art. I CONSTITUTION OF NEBRASKA

4

**I-17. Military subordinate.**

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

**Source:** Neb. Const. art. I, sec. 17 (1875).

**I-18. Soldiers quarters.**

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.

**Source:** Neb. Const. art I, sec. 18 (1875).

**I-19. Right of peaceable assembly and to petition government.**

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.

**Source:** Neb. Const. art. I, sec. 19 (1875).

**I-20. Imprisonment for debt prohibited.**

No person shall be imprisoned for debt in any civil action on mesne or final process.

**Source:** Neb. Const. art. I, sec. 20 (1875); Amended 1998, Laws 1997, LR 26CA, sec. 1.

**I-21. Private property compensated for.**

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

**Source:** Neb. Const. art. I, sec. 21 (1875).

**I-22. Elections to be free.**

All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

**Source:** Neb. Const. art. I, sec. 22 (1875).

**I-23. Capital cases; right of direct appeal; effect; other cases; right of appeal.**

In all capital cases, appeal directly to the Supreme Court shall be as a matter of right and shall operate as a supersedeas to stay the execution of the sentence of death until further order of the Supreme Court. In all other cases, criminal or civil, an aggrieved party shall be entitled to one appeal to the appellate court created pursuant to Article V, section 1, of this Constitution or to the Supreme Court as may be provided by law.

**Source:** Neb. Const. art I, sec. 23 (1875); Amended 1972, Laws 1972, LB 196, sec. 1; Amended 1990, Laws 1990, LR 8, sec. 1.

**I-24. Repealed 1990. Laws 1990, LR 8, sec. 1.**

**I-25. Rights of property; no discrimination; aliens.**

There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of CONSTITUTION OF NEBRASKA Art. I

5

property. The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law.

**Source:** Neb. Const. art. I, sec. 25 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 2.

**I-26. 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.

**Source:** Neb. Const. art. I, sec. 26 (1875).

**I-27. English language to be official.**

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.

**Source:** Neb. Const. art. I, sec. 27 (1920); Adopted 1920, Constitutional Convention, 1919-1920, No. 3.

**Note:** This section may be unconstitutional as applied to nonpublic schools, in light of Meyer v. Neb., 262 U.S. 390, 43 S. Ct. 625, 67 L. Ed. 1042 (1923). But Meyer concerned a statute enacted in 1919, and did not address this constitutional provision, which was enacted in 1920. The constitutionality of this section remains undecided.

**I-28. Crime victims; rights enumerated; effect; Legislature; duties.**

(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the implementation of the rights granted in this section. There shall be no remedies other than as specifically provided by the Legislature for the enforcement of the rights granted by this section.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.

**Source:** Neb. Const. art. I, sec. 28 (1996); Adopted 1996, Laws 1995, LR 21CA, sec. 1.

**I-29. Marriage; same-sex relationships not valid or recognized.**

Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska

**THE CONSTITUTION OF THE STATE OF NEVADA**

**\_\_\_\_\_\_\_\_\_**

      [The Nevada constitution was framed by a convention of delegates chosen by the people. The convention met at Carson City on July 4, 1864, and adjourned on July 28 of the same year. On the 1st Wednesday of September 1864, the constitution was approved by the vote of the people of the Territory of Nevada, and on October 31, 1864, President Lincoln proclaimed that the State of Nevada was admitted into the Union on an equal footing with the original states.

      The literal text of the original, signed copy of the constitution filed in the office of the secretary of state has been retained, unless it has been repealed or superseded by amendment. Where the original text has been amended or where a new provision has been added to the original constitution, the source of the amendment or addition is indicated in the source note immediately following the text of the amended or new section. Leadlines for sections have been supplied by the Legislative Counsel of the State of Nevada.]

**\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_**

**[PRELIMINARY ACTION.]**

Whereas,

      The Act of Congress Approved March Twenty First A.D. Eighteen Hundred and Sixty Four “To enable the People of the Territory of Nevada to form a Constitution and State Government and for the admission of such State into the Union on an equal footing with the Original States,” requires that the Members of the Convention for framing said Constitution shall, after Organization, on behalf of the people of said Territory, adopt the Constitution of the United States. — Therefore, Be it Resolved,

                                        That the Members of this Convention, elected by the Authority of the aforesaid enabling Act of Congress, Assembled in Carson City the Capital of said Territory of Nevada, and immediately subsequent to its Organization, do adopt, on behalf of the people of said Territory the Constitution of the United States[.]

**ORDINANCE**

**Slavery prohibited; freedom of religious worship; disclaimer of public lands. [Effective until the date Congress consents to amendment or a legal determination is made that such consent is not necessary.]**In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

      First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

      Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

      Third. That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the congress of the United States.

      [Amended in 1956. Proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada [1953, p. 718](https://www.leg.state.nv.us/Statutes/46th1953/Stats1953R01.html#Stats1953R01page718); Statutes of Nevada [1955, p. 926](https://www.leg.state.nv.us/Statutes/47th1955/Stats1955R01.html#Stats1955R01page926).]

**Slavery prohibited; freedom of religious worship; taxation of certain property. [Effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary.]**In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

      First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

      Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

      Third. That the people inhabiting said territory do agree and declare, that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the Congress of the United States.

      [Amended in 1956 and 1996. The first amendment was proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada [1953, p. 718](https://www.leg.state.nv.us/Statutes/46th1953/Stats1953R01.html#Stats1953R01page718); Statutes of Nevada [1955, p. 926](https://www.leg.state.nv.us/Statutes/47th1955/Stats1955R01.html#Stats1955R01page926). The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election, effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary. See: Statutes of Nevada [1993, p. 3136](https://www.leg.state.nv.us/Statutes/67th/Stats1993R01.html#Stats1993R01page3136); Statutes of Nevada [1995, p. 2917](https://www.leg.state.nv.us/Statutes/68th/Stats1995R01.html#Stats1995R01page2917).]

**PREAMBLE.**

      We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this Constitution.

**\_\_\_\_\_\_\_\_\_**

**ARTICLE. 1. - Declaration of Rights.**

Section. 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 existance [existence], and 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 consciene [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 and 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; exception for capital offenses and certain 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.

      [Amended in 1980. Proposed and passed by the 1977 legislature; agreed to and passed by the 1979 legislature; and approved and ratified by the people at the 1980 general election. See: Statutes of Nevada [1977, p. 1697](https://www.leg.state.nv.us/Statutes/59th/Stats1977R01.html#Stats1977R01page1697); Statutes of Nevada [1979, p. 1941](https://www.leg.state.nv.us/Statutes/60th/Stats1979R01.html#Stats1979R01page1941).]

**Sec. 8.  Rights of accused in criminal prosecutions; jeopardy; due process of law; eminent domain.**

      1.  No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of 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.

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

      3.  Private property shall not 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.

      [Amended in 1912, 1996 and 2018. The first amendment was proposed and passed by the 1909 legislature; agreed to and passed by the 1911 legislature; and approved and ratified by the people at the 1912 general election. See: Statutes of Nevada 1909, p. 346; Statutes of Nevada 1911, p. 454. The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election. See: Statutes of Nevada [1993, p. 3065](https://www.leg.state.nv.us/Statutes/67th/Stats1993R01.html#Stats1993R01page3065); Statutes of Nevada [1995, p. 2880](https://www.leg.state.nv.us/Statutes/68th/Stats1995R01.html#Stats1995R01page2880). The third amendment was proposed and passed by the 2015 Legislature; agreed to and passed by the 2017 Legislature; and approved and ratified by the people at the 2018 General Election. See: Statutes of Nevada [2015, p. 4074](https://www.leg.state.nv.us/Statutes/78th2015/Stats2015R01.html#Stats2015R01page4074); Statutes of Nevada [2017, p. 4612](https://www.leg.state.nv.us/Statutes/79th2017/Stats2017R01.html#Stats2017R01page4612).]

**Sec. 8A.  Rights of victims of crime.**

      1.  Each person who is the victim of a crime is entitled to the following rights:

      (a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

      (b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

      (c) To have the safety of the victim and the victim’s family considered as a factor in fixing the amount of bail and release conditions for the defendant.

      (d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim’s family.

      (e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

      (f) To reasonably confer with the prosecuting agency, upon request, regarding the case.

      (g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.

      (h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.

      (i) To the timely disposition of the case following the arrest of the defendant.

      (j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim’s family and any sentencing recommendations before the sentencing of the defendant.

      (k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.

      (l) To full and timely restitution.

      (m) To the prompt return of legal property when no longer needed as evidence.

      (n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.

      (o) To have the safety of the victim, the victim’s family and the general public considered before any parole or other postjudgment release decision is made.

      (p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

      (q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

      2.  A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim’s request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

      3.  Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.

      4.  A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.

      5.  The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

      6.  The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.

      7.  As used in this section, “victim” means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim’s estate, member of the victim’s family or any other person who is appointed by the court to act on the victim’s behalf, except that the court shall not appoint the defendant as such a person.

      [Proposed new section passed by the 2015 Legislature; agreed to and passed by the 2017 Legislature and approved and ratified by the voters at the 2018 General Election. See: Statutes of Nevada [2015, p. 4073](https://www.leg.state.nv.us/Statutes/78th2015/Stats2015R01.html#Stats2015R01page4073); Statutes of Nevada [2017, p. 4611](https://www.leg.state.nv.us/Statutes/79th2017/Stats2017R01.html#Stats2017R01page4611).]

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.**Right to keep and bear arms; civil power supreme.**

      1.  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.

      2.  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.

      [Amended in 1982. Proposed and passed by the 1979 legislature; agreed to and passed by the 1981 legislature; and approved and ratified by the people at the 1982 general election. See: Statutes of Nevada [1979, p. 1986](https://www.leg.state.nv.us/Statutes/60th/Stats1979R01.html#Stats1979R01page1986); Statutes of Nevada [1981, p. 2083](https://www.leg.state.nv.us/Statutes/61st/Stats1981R01.html#Stats1981R01page2083).]

Sec: 12.  **Quartering soldier in private house.**  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 imprisioned [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 in 1924.]

      [Sec. 16 of the original constitution was repealed by vote of the people at the 1924 general election. See: Statutes of Nevada [1921, p. 416](https://www.leg.state.nv.us/Statutes/30th1921/Stats1921R01.html#Stats1921R01page416); Statutes of Nevada [1923, p. 407](https://www.leg.state.nv.us/Statutes/31st1923/Stats1923R01.html#Stats1923R01page407). The original section read: “Foreigners who are, or who 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: 17.  **Slavery and 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.

      **Sec: 21.  Limitation on recognition of marriage. [Effective through November 23, 2020, and after that date unless the provisions of Assembly Joint Resolution No. 2 (2017) are approved and ratified by the voters at the 2020 General Election.]**  Only a marriage between a male and female person shall be recognized and given effect in this state.

      [Added in 2002. Proposed by initiative petition and approved and ratified by the people at the 2000 and 2002 general elections.]

      **Sec. 21.  Recognition of marriage. [Effective November 24, 2020, if the provisions of Assembly Joint Resolution No. 2 (2017) are approved and ratified by the voters at the 2020 General Election.]**

      1.  The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender.

      2.  Religious organizations and members of the clergy have the right to refuse to solemnize a marriage, and no person has the right to make any claim against a religious organization or member of the clergy for such a refusal.

      3.  All legally valid marriages must be treated equally under the law.

      [Added in 2002. Proposed by initiative petition and approved and ratified by the people at the 2000 and 2002 general elections.] — (Proposed amendment passed by the 2017 Legislature; agreed to and passed by the 2019 Legislature; effective November 24, 2020, if approved and ratified by the voters at the 2020 General Election. See: Statutes of Nevada [2017, p. 4558](https://www.leg.state.nv.us/Statutes/79th2017/Stats2017R01.html#Stats2017R01page4558); Statutes of Nevada [2019, p. 4604](https://www.leg.state.nv.us/Statutes/80th2019/Stats2019R01.html#Stats2019R01page4604).)

      Sec. 22.  **Eminent domain proceedings: Restrictions and requirements.**Notwithstanding any other provision of this Constitution to the contrary:

      1.  Public use shall not include the direct or indirect transfer of any interest in property taken in an eminent domain proceeding from one private party to another private party. In all eminent domain actions, the government shall have the burden to prove public use.

      2.  In all eminent domain actions, prior to the government’s occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property owner’s election, to a separate and distinct determination by a district court jury, as to whether the taking is actually for a public use.

      3.  If a public use is determined, the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, then the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.

      4.  In all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never been taken. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.

      5.  In all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market.

      6.  Property taken in eminent domain shall automatically revert back to the original property owner upon repayment of the original purchase price, if the property is not used within five years for the original purpose stated by the government. The five years shall begin running from the date of the entry of the final order of condemnation.

      7.  A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.

      8.  For all provisions contained in this section, government shall be defined as the State of Nevada, its political subdivisions, agencies, any public or private agent acting on their behalf, and any public or private entity that has the power of eminent domain.

      9.  Any provision contained in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.

      [Added in 2008. Proposed by initiative petition and approved and ratified by the people at the 2006 and 2008 General Elections.]

      **Sec. 24.  Equality of rights. [Effective November 22, 2022, if the provisions of Senate Joint Resolution No. 8 (2019) are agreed to and passed by the 2021 Legislature and approved and ratified by the voters at the 2022 General Election.]**Equality of rights under the law shall not be denied or abridged by this State or any of its political subdivisions on account of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin.

      (Proposed new section passed by the 2019 Legislature; effective November 22, 2022; if agreed to and passed by the 2021 Legislature and approved and ratified by the voters at the 2022 General Election. See: Statutes of Nevada [2019, p. 4637](https://www.leg.state.nv.us/Statutes/80th2019/Stats2019R01.html#Stats2019R01page4637).)

**ARTICLE. 2. - Right of Suffrage.**

Sec.      [1](https://www.leg.state.nv.us/Const/NVConst.html#Art2Sec1).        Right to vote; qualifications of elector; qualifications of nonelector to vote for President and Vice President of United States.

      Section 1.  **Right to vote; qualifications of elector; qualifications of nonelector to vote for President and Vice President of United States.**  All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided,* that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

      [Amended in 1880, 1886, 1914, 1970, 1971 and 2004. The first amendment was proposed and passed by the 1877 Legislature; agreed to and passed by the 1879 Legislature; and approved and ratified by the people at the 1880 General Election. See: Statutes of Nevada 1877, p. 213; Statutes of Nevada 1879, p. 149. The second amendment was approved and ratified by the people at the 1886 General Election, but no entry of the proposed amendment had been made upon the journal of either house of the Legislature, and such omission was fatal to the adoption of the amendment. See: State ex rel. Stevenson v. Tufly, 19 Nev. 391 (1887). The third amendment was proposed and passed by the 1911 Legislature; agreed to and passed by the 1913 Legislature; and approved and ratified by the people at the 1914 General Election. See: Statutes of Nevada 1911, p. 457; Statutes of Nevada [1913, p. 581](https://www.leg.state.nv.us/Statutes/26th1913/Stats1913R01.html#Stats1913R01page581). The fourth amendment was proposed and passed by the 1967 Legislature; agreed to and passed by the 1969 Legislature; and approved and ratified by the people at the 1970 General Election. See: Statutes of Nevada [1967, p. 1827](https://www.leg.state.nv.us/Statutes/54th/Stats1967R01.html#Stats1967R01page1827); Statutes of Nevada [1969, p. 1657](https://www.leg.state.nv.us/Statutes/55th/Stats1969R01.html#Stats1969R01page1657). The fifth amendment was proposed and passed by the 1969 Legislature; agreed to and passed by the 1971 Legislature; and approved and ratified by the people at a special election held on June 8, 1971. See: Statutes of Nevada [1969, p. 1685](https://www.leg.state.nv.us/Statutes/55th/Stats1969R01.html#Stats1969R01page1685); Statutes of Nevada [1971, p. 2263](https://www.leg.state.nv.us/Statutes/56th/Stats1971R01.html#Stats1971R01page2263). The sixth amendment was proposed and passed by the 2001 Legislature; agreed to and passed by the 2003 Legislature; and approved and ratified by the people at the 2004 General Election. See: Statutes of Nevada [2001, p. 3469](https://www.leg.state.nv.us/Statutes/71st/Stats2001R02.html#Stats2001R02page3469); Statutes of Nevada [2003, p. 3726](https://www.leg.state.nv.us/Statutes/72nd/Stats2003R02.html#Stats2003R02page3726).]

**Sec. 1A.  Rights of voters. [Effective November 24, 2020, if the provisions of Senate Joint Resolution No. 3 (2017) are approved and ratified by the voters at the 2020 General Election.]**Each voter who is a qualified elector under this Constitution and is registered to vote in accordance with Section 6 of this Article and the laws enacted by the Legislature pursuant thereto has the right:

      1.  To receive and cast a ballot that:

      (a) Is written in a format that allows the clear identification of candidates; and

      (b) Accurately records the voter’s preference in the selection of candidates.

      2.  To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

      3.  To vote without being intimidated, threatened or coerced.

      4.  To vote during any period for early voting or on election day if the voter is waiting in line at a polling place at which, by law, the voter is entitled to vote at the time that the polls close and the voter has not already cast a vote in that election.

      5.  To return a spoiled ballot and receive another ballot in its place.

      6.  To request assistance in voting, if necessary.

      7.  To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law.

      8.  To receive instruction in the use of the equipment for voting during any period for early voting or on election day.

      9.  To equal access to the elections system without discrimination, including, without limitation, discrimination on the basis of race, age, disability, military service, employment or overseas residence.

      10.  To a uniform, statewide standard for counting and recounting all votes accurately as provided by law.

      11.  To have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law.

      (Proposed new section passed by the 2017 Legislature; agreed to and passed by the 2019 Legislature; effective November 24, 2020, if approved and ratified by the voters at the 2020 General Election. See: Statutes of Nevada [2017, p. 4589](https://www.leg.state.nv.us/Statutes/79th2017/Stats2017R01.html#Stats2017R01page4589); Statutes of Nevada [2019, p. 4614](https://www.leg.state.nv.us/Statutes/80th2019/Stats2019R01.html#Stats2019R01page4614).)

Sec. 2.  **When residence not gained or lost.**  For the purpose of voting, no person shall be deemed to have gained or lost a residence solely by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student of any institution of learning; nor while kept at any charitable institution or medical facility at public expense; nor while confined in any public prison.

      [Amended in 1972. Proposed and passed by the 1969 legislature; agreed to and passed by the 1971 legislature; approved and ratified by the people at the 1972 general election. See: Statutes of Nevada [1969, p. 1695](https://www.leg.state.nv.us/Statutes/55th/Stats1969R01.html#Stats1969R01page1695); Statutes of Nevada [1971, p. 2240](https://www.leg.state.nv.us/Statutes/56th/Stats1971R01.html#Stats1971R01page2240).]

      Section 3.  **Armed Forces personnel.**  [Repealed in 1972.]

      [Amended in 1956. Proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada [1953, p. 732](https://www.leg.state.nv.us/Statutes/46th1953/Stats1953R01.html#Stats1953R01page732); Statutes of Nevada [1955, p. 952](https://www.leg.state.nv.us/Statutes/47th1955/Stats1955R01.html#Stats1955R01page952). Repealed in 1972. Repealer proposed and passed by the 1969 legislature; agreed to and passed by the 1971 legislature; approved and ratified by the people at the 1972 general election. See: Statutes of Nevada [1969, p. 1695](https://www.leg.state.nv.us/Statutes/55th/Stats1969R01.html#Stats1969R01page1695); Statutes of Nevada [1971, p. 2240](https://www.leg.state.nv.us/Statutes/56th/Stats1971R01.html#Stats1971R01page2240). The section as amended in 1956 and repealed in 1972 read: “The right of suffrage shall be enjoyed by all persons, otherwise entitled to the same, who may be in the military or naval service of the United States; provided, the votes so cast shall be made to apply to the county and township of which said voters were bona fide residents at the time of their entry into such service; and provided further, that the payment of a poll tax shall not be required as a condition to the right of voting. Provision shall be made by law, regulating the manner of voting, holding elections, and making returns of such elections, wherein other provisions are not contained in this constitution.”]

Sec: 4.  **Privilege of qualified electors on general election day.**  During the day on which any General Election shall be held in this State no qualified elector shall be arrested by virtue of any civil process.

Sec: 5.  **Voting by ballot; voting in elections by legislature.**  All elections by the people shall be by ballot, and all elections by the Legislature, or by either branch thereof shall be “Viva-Voce”.

Sec: 6.  **Registration of electors; test of electoral qualifications.**  Provision shall be made by law for the registration of the names of the Electors within the counties of which they may be residents and for the ascertainment by proper proofs of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections, and to regulate the manner of holding and making returns of the same; and the Legislature shall have power to prescribe by law any other or further rules or oaths, as may be deemed necessary, as a test of electoral qualification.

      Section 7.  **Poll tax: Levy and purpose.**  [Repealed in 1966.]

      [Amended in 1910. Proposed and passed by the 1907 legislature; agreed to and passed by the 1909 legislature; approved and ratified by the people at the 1910 general election. See: Statutes of Nevada 1907, p. 450; Statutes of Nevada 1909, p. 344. Repealed in 1966. Repealer proposed and passed by the 1963 legislature; agreed to and passed by the 1965 legislature; approved and ratified by the people at the 1966 general election. See: Statutes of Nevada [1963, p. 1421](https://www.leg.state.nv.us/Statutes/52nd1963/Stats1963R01.html#Stats1963R01page1421); Statutes of Nevada [1965, p. 1495](https://www.leg.state.nv.us/Statutes/53rd/Stats1965R01.html#Stats1965R01page1495). The section as amended in 1910 and repealed in 1966 read: “The Legislature shall provide by law for the payment of an annual poll tax of not less than two, nor exceeding four, dollars from each male resident in the State between the ages of twenty-one and sixty years (uncivilized American Indians excepted) to be expended for the maintenance and betterment of the public roads.”]

Sec: 8.  **Qualifications of voters on adoption or rejection of constitution.**  All persons qualified by law to vote for representatives to the General Assembly of the Territory of Nevada, on the twenty first day of March A.D. Eighteen hundred and sixty four and all other persons who may be lawful voters in said Territory on the first Wednesday of September next following, shall be entitled to vote directly upon the question of adopting or rejecting this Constitution.

      Sec. 9.  **Recall of public officers: Procedure and limitations.**  Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality which he represents. For this purpose, not less than twenty-five percent (25%) of the number who actually voted in the state or in the county, district, or municipality which he represents, at the election in which he was elected, shall file their petition, in the manner herein provided, demanding his recall by the people. They shall set forth in said petition, in not exceeding two hundred (200) words, the reasons why said recall is demanded. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy thereby caused shall be filled in the manner provided by law. If he shall not resign within five (5) days after the petition is filed, a special election shall be ordered to be held within thirty (30) days after the issuance of the call therefor, in the state, or county, district, or municipality electing said officer, to determine whether the people will recall said officer. On the ballot at said election shall be printed verbatim as set forth in the recall petition, the reasons for demanding the recall of said officer, and in not more than two hundred (200) words, the officer’s justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be finally declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive highest number of votes at said special election shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to such office shall be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated or filed against any officer until he has actually held his office six (6) months, save and except that it may be filed against a senator or assemblyman in the legislature at any time after ten (10) days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall pay into the public treasury from which the expenses of said special election have been paid, the whole amount paid out of said public treasury as expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by law.

      [Added in 1912, amended in 1970 and 1996. The addition was proposed and passed by the 1909 legislature; agreed to and passed by the 1911 legislature; and approved and ratified by the people at the 1912 general election. See: Statutes of Nevada 1909, p. 345; Statutes of Nevada 1911, p. 448. The first amendment was proposed and passed by the 1967 legislature; agreed to and passed by the 1969 legislature; and approved and ratified by the people at the 1970 general election. See: Statutes of Nevada [1967, p. 1782](https://www.leg.state.nv.us/Statutes/54th/Stats1967R01.html#Stats1967R01page1782); Statutes of Nevada [1969, p. 1663](https://www.leg.state.nv.us/Statutes/55th/Stats1969R01.html#Stats1969R01page1663). The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election. See: Statutes of Nevada [1993, p. 3135](https://www.leg.state.nv.us/Statutes/67th/Stats1993R01.html#Stats1993R01page3135); Statutes of Nevada [1995, p. 2887](https://www.leg.state.nv.us/Statutes/68th/Stats1995R01.html#Stats1995R01page2887).]

      Sec. 10.  **Limitation on contributions to campaign.**

      1.  As used in this Section, “contribution” includes the value of services provided in kind for which money would otherwise be paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid campaign paraphernalia printed or otherwise produced, and the use of paid personnel to assist in a campaign.

      2.  The Legislature shall provide by law for the limitation of the total contribution by any natural or artificial person to the campaign of any person for election to any office, except a federal office, to $5,000 for the primary and $5,000 for the general election, and to the approval or rejection of any question by the registered voters to $5,000, whether the office sought or the question submitted is local or for the State as a whole. The Legislature shall further provide for the punishment of the contributor, the candidate, and any other knowing party to a violation of the limit, as a felony.

      [Added in 1996. Proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.]

**ARTICLE. 3. - Distribution of Powers.**

Sec.      [1](https://www.leg.state.nv.us/Const/NVConst.html#Art3Sec1).        Three separate departments; separation of powers; legislative review of administrative regulations.

      Section 1.  **Three separate departments; separation of powers; legislative review of administrative regulations.**

      1.  The powers of the Government of the State of Nevada shall be divided into three separate departments, — the Legislative, — the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.

      2.  If the legislature authorizes the adoption of regulations by an executive agency which bind persons outside the agency, the legislature may provide by law for:

      (a) The review of these regulations by a legislative agency before their effective date to determine initially whether each is within the statutory authority for its adoption;

      (b) The suspension by a legislative agency of any such regulation which appears to exceed that authority, until it is reviewed by a legislative body composed of members of the Senate and Assembly which is authorized to act on behalf of both houses of the legislature; and

      (c) The nullification of any such regulation by a majority vote of that legislative body, whether or not the regulation was suspended.

      [Amended in 1996. Proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election. See: Statutes of Nevada [1993, p. 3082](https://www.leg.state.nv.us/Statutes/67th/Stats1993R01.html#Stats1993R01page3082); Statutes of Nevada [1995, p. 2972](https://www.leg.state.nv.us/Statutes/68th/Stats1995R01.html#Stats1995R01page2972).]

**State Constitution - Bill of Rights**

***Part 1, Bill of Rights, of the New Hampshire State Constitution****.*

**Article 1. [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.
June 2, 1784\*

\*The date on which each article was proclaimed as having been adopted is given after each article. This is followed by the year in which amendments were adopted and the subject matter of all the amendments.

**[Art.] 2. [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 national origin.
June 2, 1784,
Amended 1974 adding sentence to prohibit discrimination.

**[Art.] 2-a. [The Bearing of Arms.]** All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.
December 1, 1982

**[Art.] 2-b. [Right of Privacy.]** An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.
December 5, 2018

**[Art.] 3. [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.
June 2, 1784

**[Art.] 4. [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.
June 2, 1784

**[Art.] 5. [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.
June 2, 1784

**[Art.] 6. [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, 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.
June 2, 1784
Amended 1968 to remove obsolete sectarian references.

**[Art.] 7. [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.
June 2, 1784

**[Art.] 8. [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.  The public also has a right to an orderly, lawful, and accountable government.  Therefore, any individual taxpayer eligible to vote in the State, shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision.  In such a case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond his or her status as a taxpayer.  However, this right shall not apply when the challenged governmental action is the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding.
June 2, 1784
Amended 1976 by providing right of access to governmental proceedings and records.
Amended 2018 by providing that taxpayers have standing to bring actions against the government

**[Art.] 9. [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.
June 2, 1784

**[Art.] 10. [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.
June 2, 1784

**[Art.] 11. [Elections and Elective Franchises.]** All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes 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 offenses. 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 officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer 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.
June 2, 1784
Amended 1903 to provide that in order to vote or be eligible for office a person must be able to read the English language and to write.
Amended 1912 to prohibit those convicted of treason, bribery or willfull violation of the election laws from voting or holding elective office.
Amended 1942 to provide for absentee voting in general elections.
Amended 1956 to provide for absentee voting in primary elections.
Amended 1968 to provide right to vote not denied because of nonpayment of taxes. Also amended in 1968 to delete an obsolete phrase.
Amended 1976 to reduce voting age to 18.
Amended 1984 to provide accessibility to all registration and polling places.

**[Art.] 12. [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.
June 2, 1784
Amended 1964 by striking out reference to buying one’s way out of military service.

**[Art.] 12-a. [Power to Take Property Limited.]** No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property.
November 7, 2006

**[Art.] 13. [Conscientious Objectors not Compelled to Bear Arms.]** No person, who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto.
June 2, 1784
Amended 1964 by striking out reference to buying one’s way out of military service.

**[Art.] 14. [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.
June 2, 1784

**[Art.] 15. [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. 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. 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; provided that, in any proceeding to commit a person acquitted of a criminal charge by reason of insanity, due process shall require that clear and convincing evidence that the person is potentially dangerous to himself or to others and that the person suffers from a mental disorder must be established. 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.
June 2, 1784
Amended 1966 to provide the right to counsel at state expense if the need is shown.
Amended 1984 reducing legal requirement proof beyond a reasonable doubt to clear and convincing evidence in insanity hearings.

**[Art.] 16. [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.
June 2, 1784

**[Art.] 17. [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 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.
June 2, 1784
Amended 1792 to change "assembly" to: legislature.
Amended 1978 so that court at defendant’s request may change trial to another county or judicial district.

**[Art.] 18. [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.
June 2, 1784
Amended 1792 deleting "those of" after do in 3d sentence and changing "dye" to: offenses.

**[Art.] 19. [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.
June 2, 1784
Amended 1792 to change order of words.

**[Art.] 20. [Jury Trial in Civil Causes.]** In all controversies concerning property, and in all suits between two or more persons except those in which another practice is and has been customary and except those in which the value in controversy does not exceed $1,500 and no title to real estate is involved, the parties have a right to a trial by jury. This method of procedure shall be held sacred, unless, in cases\* arising on the high seas and in cases relating to mariners’ wages, the Legislature shall think it necessary hereafter to alter it.
June 2, 1784
\*"Cases" appears in 1792 parchment copy of constitution. Original constitutuion had "causes"
Amended in 1877 to prohibit jury trials unless the amount in controversy exceeds $l00.
Amended in 1960 to increase the amount to $500 before a jury trial may be requested.
Amended in 1988 to change $500 to $1,500

**[Art.] 21. [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.
June 2, 1784

**[Art.] 22. [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.
June 2, 1784
Amended 1968 to include free speech.

**[Art.] 23. [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.
June 2, 1784

**[Art.] 24. [Militia.]** A well regulated militia is the proper, natural, and sure defense, of a State.
June 2, 1784

**[Art.] 25. [Standing Armies.]** Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.
June 2, 1784

**[Art.] 26. [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.
June 2, 1784

**[Art.] 27. [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.
June 2, 1784
Amended in 1980 substituting "authorities" for "magistrate."

**[Art.] 28. [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.
June 2, 1784

**[Art.] 28-a. [Mandated Programs.]** The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision.
November 28, 1984

**[Art.] 29. [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.
June 2, 1784

**[Art.] 30. [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.
June 2, 1784

**[Art.] 31. [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.
June 2, 1784
Amended 1792 generally rewording sentence and omitting "for correcting, strengthening and confirming the laws."

**[Art.] 32. [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.
June 2, 1784

**[Art.] 33. [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.
June 2, 1784

**[Art.] 34. [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.
June 2, 1784

**[Art.] 35. [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.
June 2, 1784
Amended 1792 to provide for age limitation as provided by the constitution.

**Art.] 36. [Pensions.]** Economy being a most essential virtue in all States, especially in a young one, no pension shall be granted, but in consideration of actual services; and such pensions ought to be granted with great caution, by the Legislature, and never for more than one year at a time.
June 2, 1784

**[Art.] 36-a [Use of Retirement Funds.]** The employer contributions certified as payable to the New Hampshire retirement system or any successor system to fund the system’s liabilities, as shall be determined by sound actuarial valuation and practice, independent of the executive office, shall be appropriated each fiscal year to the same extent as is certified. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system and of any and all other retirement systems for public officers and employees operated by the state or by any of its political subdivisions, and of any successor system, and all contributions and payments made to any such system to provide for retirement and related benefits shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, any other purposes.
November 28, 1984

**[Art.] 37. [Separation of Powers.]** In the government of this State, the three essential powers thereof, to wit, the Legislative, Executive, and Judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the Constitution in one indissoluble bond of union and amity.
June 2, 1784

**[Art.] 38. [Social Virtues Inculcated.]** A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard 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 government.
June 2, 1784

**[Art.] 39. [Changes in Town and City Charters, Referendum Required.]** No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters of such city or town upon a referendum to be provided for in said law. The legislature may by general law authorize cities and towns to adopt or amend their charters or forms of government in any way which is not in conflict with general law, provided that such charters or amendments shall become effective only upon the approval of the voters of each such city or town on a referendum.
November 16, 1966

**NEW JERSEY**

**Bill of Rights**

On November 20, 1789, New Jersey became the first state to ratify the Bill of Rights - the first ten amendments to the United States Constitution. Of the twelve articles proposed, New Jersey actually approved eleven. The first, relating to how federal representation would be determined based on population, was ratified by New Jersey but not by the required number of states. The second, relating to the salaries of members of Congress, was rejected by New Jersey, but then approved in 1992 as the 27th Amendment. Articles 3 through 12 became the 1st through 10th Amendments, guaranteeing the fundamental rights and freedoms of all American Citizens. A full transcription and image of New Jersey's original parchment Bill of Rights are provided below.

**Congress of the United States**

begun and held at the City of New-York, on
Wednesday the fourth of March,
one thousand seven hundred eighty nine.

The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of Public confidence in the Government, will best insure the beneficent ends of its institution;

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; Vizt

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

**Article the first.**
After the first enumeration, required by the first Article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.

**Article the second.**
No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

**Article the third.**
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.

**Article the fourth.**
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.

**Article the fifth.**
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.

**Article the sixth.**
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.

**Article the seventh.**
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 deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation.

**Article the eighth.**
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 favour, and to have the assistance of Counsel for his defence.

**Article the ninth.**
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 re-examined in any Court of the United States, than according to the rules of the common law.

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

**Article the eleventh.**
The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the People.

**Article the twelfth.**
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.

Frederick Augustus Muhlenberg Speaker of the House of Representatives

John Adams, Vice President of the United States, and President of the Senate.

State of New York

**ARTICLE I**
BILL OF RIGHTS

**Rights, privileges and franchise secured; power of legislature to dispense with primary elections in certain cases]**
Section 1.  No member of this state shall be disfranchised[(1)](https://www.dos.ny.gov/info/constitution/article_1_bill_of_rights.html%22%20%5Cl%20%22_ftn1%22%20%5Co%20%22), 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 or her 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; November 6, 2001.)[(2)](https://www.dos.ny.gov/info/constitution/article_1_bill_of_rights.html%22%20%5Cl%20%22_ftn2%22%20%5Co%20%22)

**[Trial by jury; how waived]**
§2.  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.)

**[Freedom of worship; religious liberty]**
§3.  The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind; and no person shall be rendered incompetent to be a witness on account of his or her 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. (Amended by vote of the people November 6, 2001.)

**[Habeas corpus]**
§4.  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.)

**[Bail; fines; punishments; detention of witnesses]**
§5.  Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

**[Grand jury; protection of certain enumerated rights; duty of public officers to sign waiver of immunity and give testimony; penalty for refusal]**
§6.  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 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 or her 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 or her. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he or she be compelled in any criminal case to be a witness against himself or herself, providing, that any public officer who, upon being called before a grand jury to testify concerning the conduct of his or her present office or of any public office held by him or her within five years prior to such grand jury call to testify, or the performance of his or her 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 or her present office by the appropriate authority or shall forfeit his or her 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. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 8, 1949; November 3, 1959; November 6, 1973; November 6, 2001.)

**[Compensation for taking private property; private roads; drainage of agricultural lands]**
§7. (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 benefitted.
(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 benefitted thereby; but no special laws shall be enacted for such purposes. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938. Subdivision (e) repealed by vote of the people November 5, 1963. Subdivision (b) repealed by vote of the people November 3, 1964.)

**[Freedom of speech and press; criminal prosecutions for libel]**
§8.  Every citizen may freely speak, write and publish his or her 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. (Amended by vote of the people November 6, 2001.)

**[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]**
§9.  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, bookmaking, 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, 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, and except casino gambling at no more than seven facilities as authorized and prescribed by the legislature 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. (Amendment approved by vote of the people November 5, 2013.)
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 firefighter 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 person except a bona fide member of any such organization shall participate in the management or operation of such game; and (4) no person shall receive any remuneration for participating in the management or operation of any such game. Unless otherwise provided by law, no single prize shall exceed two hundred fifty dollars, nor shall any series of prizes on one occasion aggregate more than one thousand dollars. 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. (Amendment approved by vote of the people November 7, 1939; further amended by vote of the people November 5, 1957; November 8, 1966; November 4, 1975; November 6, 1984; November 6, 2001.)

**Section 10 which dealt with ownership of lands, yellowtail tenures and escheat was repealed by amendment approved by vote of the people November 6, 1962**

**[Equal protection of laws; discrimination in civil rights prohibited]**
§11.  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 or her 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. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)

**[Security against unreasonable searches, seizures and interceptions]**
§12.  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. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

**[Section 13, which dealt with purchase of lands of Indians, was repealed by amendment approved by vote of the people November 6, 1962**.]

**[Common law and acts of the colonial and state legislatures]**
§14.  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. (Formerly §16. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

**[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**.]

**[Damages for injuries causing death]**
§16. 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. (Formerly §18. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

**[Labor not a commodity; hours and wages in public work; right to organize and bargain collectively]**
§17.  Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.
No laborer, worker or mechanic, in the employ of a contractor or sub- contractor 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 or she 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. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)

**[Workers’ compensation]**
§18.  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 herself 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 or her 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. (Formerly §19. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)

**Article II, New Mexico Constitution**

**Article II** of the [New Mexico Constitution](https://ballotpedia.org/New_Mexico_Constitution) is entitled **Bill of Rights** and consists of 24 sections.

Section 1

|  |
| --- |
|  |
|  | **Text of Section 1:****Supreme Law of the 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 2

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 3

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 4

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 5

|  |
| --- |
|  |
|  | **Text of Section 5:****Rights under Treaty of Guadalupe Hidalgo Preserved**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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 6

|  |
| --- |
|  |
|  | **Text of Section 6:****Right to 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. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

**Amendments**

* Amended on November 2, 1971 and November 2, 1986.

Section 7

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 8

|  |
| --- |
|  |
|  | **Text of Section 8:****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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 9

|  |
| --- |
|  |
|  | **Text of Section 9:****Military Power Subordinate; Quartering of 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 10

|  |
| --- |
|  |
|  | **Text of Section 10:****Searches and 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 11

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 12

|  |
| --- |
|  |
|  | **Text of Section 12:****Trial by Jury; Less Than Unanimous Verdicts in Civil Cases**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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 13

|  |
| --- |
|  |
|  | **Text of Section 13:****Bail; Excessive Fines; Cruel and Unusual Punishment**All persons shall, before conviction, 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 a court of record pending trial for a defendant charged with a felony if the prosecuting authority requests a hearing and proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community. An appeal from an order denying bail shall be given preference over all other matters.A person who is not a danger detainable on grounds of dangerousness nor a flight risk in the absence of bond and is otherwise eligible for bail shall not be detained solely because of financial inability to post a money or property bond. A defendant who is neither a danger nor a flight risk and who has a financial inability to post a money or property bond may file a motion with the court requesting relief from the requirement to post bond. The court shall rule on the motion in an expedited manner.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

**Amendments**

* Amended on November 4, 1980.
* Amended on November 8, 1988.
* Amended on November 8, 2016, via voter approval of [Constitutional Amendment 1](https://ballotpedia.org/New_Mexico_Changes_in_Regulations_Governing_Bail%2C_Constitutional_Amendment_1_%282016%29).

Section 14

|  |
| --- |
|  |
|  | **Text of Section 14:****Indictment and Information; Grand Juries; 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 therefore signed by not less than the greater of two hundred registered voters or two 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

**Amendments**

* Amended on November 4, 1924, effective January 1, 1925.
* Amended on November 4, 1980.
* Amended on November 8, 1994.

Section 15

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 16

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 17

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 18

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

**Amendments**

* Amended on November 7, 1972, effective July 1, 1973.

Section 19

|  |
| --- |
|  |
|  | **Text of Section 19:****Retroactive Laws; Bills of Attainder; Impairment of Contracts**No ex post facto law, bill of attainder nor law impairing the obligation of contracts shall be enacted by the legislature.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 20

|  |
| --- |
|  |
|  | **Text of Section 20:****Eminent Domain**Private property shall not be taken or damaged for public use without just compensation.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 21

|  |
| --- |
|  |
|  | **Text of Section 21:****Imprisonment for Debt**No person shall be imprisoned for debt in any civil action.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 22

|  |
| --- |
|  |
|  | **Text of Section 22:****Alien Landownership***Repealed.*[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

Section 23

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_II%2C_New_Mexico_Constitution#cite_note-nm-1) |

**NORTH CAROLINA STATE CONSTITUTION**

**PREAMBLE**

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

**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:

**Section 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.

**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.  Right 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 dictates 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.  Court shall be open.**

All courts shall be open; 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 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 noncapital 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 witnesses 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, except that a person accused of any criminal offense for which the State is not seeking a sentence of death in superior court may, in writing or on the record in the court and with the consent of the trial judge, waive jury trial, subject to procedures prescribed by the General Assembly. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo. (2013-300, s. 1.)

**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 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 penal 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, nor 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 principles.**

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.

**Sec. 37.  Rights of victims of crime.**

(1)   Basic rights. Victims of crime or acts of delinquency shall be treated with dignity and respect by the criminal justice system.

(1a)   Enumerated rights. When the crime or act of delinquency is one against or involving the person of the victim or is equivalent to a felony property crime, the victim is entitled to the following rights:

(a)       The right upon request to reasonable, accurate, and timely notice of court proceedings of the accused.

(a1)       The right upon request to be present at court proceedings of the accused.

(b)       The right to be reasonably heard at any court proceeding involving the plea, conviction, adjudication, sentencing, or release of the accused.

(c)       The right to receive restitution in a reasonably timely manner, when ordered by the court.

(d)      The right to be given information about the crime or act of delinquency, how the criminal justice system works, the rights of victims, and the availability of services for victims.

(e)       The right upon request to receive information about the conviction, adjudication, or final disposition and sentence of the accused.

(f)       The right upon request to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.

(g)       The right to present the victim's views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.

(h)       The right to reasonably confer with the prosecution.

(1b)   Enforcement of rights.  Except as otherwise provided herein, the General Assembly shall further provide, by general law, the procedure whereby a victim may assert the rights provided in this section.  The victim or, if the victim is a minor, is legally incapacitated, or deceased, a family member, guardian, or legal custodian may assert the rights provided in this section. The procedure shall be by motion to the court of jurisdiction within the same criminal or juvenile proceeding giving rise to the rights.  The victim, family member, guardian, or legal custodian have the right to counsel at this hearing but do not have the right to counsel provided by the State.  If the matter involves an allegation that the district attorney failed to comply with the rights of a victim when obligated to so do by law, the victim must first afford the district attorney with jurisdiction over the criminal action an opportunity to resolve any issue in a timely manner.

(2)   No money damages; other claims.  Nothing in this section shall be construed as creating a claim for money damages, or any cause of action, against the State, a county, a municipality, or any of the agencies, instrumentalities, or officers and employees thereof.

(3)   No ground for relief in criminal case. The failure or inability of any person to provide a right or service provided under this section may not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding.  Nothing in this section shall be construed to provide grounds for a victim (i) to appeal any decision made in a criminal or juvenile proceeding; (ii) to challenge any verdict, sentence, or adjudication; (iii) to participate as a party in any proceeding; or (iv) to obtain confidential juvenile records.

(4)   No restriction of authority.  Nothing in this section shall be construed to restrict the power of the district attorney, or the inherent authority of the court.

(5)   Implementation.  The General Assembly may prescribe general laws to further define and implement this section. (1995, c. 438, s. 1; 2018-110, s. 1.)

**Sec. 38.  Right to hunt, fish, and harvest wildlife.**

The right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good. The people have a right, including the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to laws enacted by the General Assembly and rules adopted pursuant to authority granted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. Nothing herein shall be construed to modify any provision of law relating to trespass, property rights, or eminent domain. (2018-96, s. 1.)

**NORTH DAKOTA**

**Article I Declaration of Rights**

**Section 1.** 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 for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

**Section 2.** 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.

**Section 3.** 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 a 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.

**Section 4.** 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.

**Section 5.** 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.

**Section 6.** Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

**Section 7.** 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.

**Section 8.** 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.

**Section 9.** 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.

**Section 10.** 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.

**Section 11.** 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.

**Section 12.** 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.

**Section 13.** 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.

**Section 14.** 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.

**Section 15.** 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.

**Section 16.** 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, unless the owner chooses to accept annual payments as may be provided for by law. 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, unless the owner chooses annual payments as may be provided by law, irrespective of any benefit from any improvement proposed by such corporation. Compensation shall be ascertained by a jury, unless a jury be waived. 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, which damages the owner may choose to accept in annual payments as may be provided for by law. Annual payments shall not be subject to escalator clauses but may be supplemented by interest earned.

For purposes of this section, a public use or a public purpose does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health. Private property shall not be taken for the use of, or ownership by, any private individual or entity, unless that property is necessary for conducting a common carrier or utility business.

**Section 17.** 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.

**Section 18.** No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

**Section 19.** 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.

**Section 20.** 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.

**Section 21.** 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.

**Section 22.** All laws of a general nature shall have a uniform operation.

**Section 23.** 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.

**Section 24.** The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

**Section 25.**

1. To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, and to ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than the protections afforded to criminal defendants and delinquent children, all victims shall be entitled to the following rights, beginning at the time of their victimization
	1. The right to be treated with fairness and respect for the victim's dignity.
	2. The right to be free from intimidation, harassment, and abuse.
	3. The right to be reasonably protected from the accused and any person acting on behalf of the accused.
	4. The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions.
	5. The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records.
	6. The right to privacy, which includes the right to refuse an interview, deposition, or other discovery request made by the defendant, the defendant's attorney, or any person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interaction to which the victim consents. Nothing in this section shall abrogate a defendant's sixth amendment rights under the Constitution of the United States nor diminish the state's disclosure obligations to a defendant.
	7. The right to reasonable, accurate, and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication, and disposition, and any proceeding during which a right of the victim is implicated.
	8. The right to be promptly notified of any release or escape of the accused.
	9. The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition, or parole, and any proceeding during which a right of the victim is implicated.
	10. The right, upon request, to confer with the attorney for the government.
	11. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence or disposition investigation or compiling any presentence investigation report or recommendation regarding, and to have any such information considered in any sentencing or disposition recommendations.
	12. The right, upon request, to receive a copy of any report or record relevant to the exercise of a victim's right, except for those portions made confidential by law or unless a court determines disclosure would substantially interfere with the investigation of a case, and to receive a copy of any presentence report or plan of disposition when available to the defendant or delinquent child.
	13. The right, upon request, to the prompt return of the victim's property when no longer needed as evidence in the case.
	14. The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal or delinquent conduct. All monies and property collected from any person who has been ordered to make restitution shall be first applied to the restitution owed to the victim before paying any amounts owed to the government.
	15. The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings.
	16. The right, upon request, to be informed of the conviction, adjudication, sentence, disposition, place, and time of incarceration, detention, or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody or commitment.
	17. The right, upon request, to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole authority shall extend the right to be heard to any person harmed by the offender.
	18. The right, upon request, to be informed in a timely manner of any pardon, commutation, reprieve, or expungement procedures, to provide information to the governor, the court, any pardon board, and other authority in these procedures, and to have that information considered before a decision is made, and to be notified of such decision in advance of any release of the offender.
	19. The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights. This information shall be made available to the general public and provided to all crime victims in what is referred to as a Marsy's card.
2. The victim, the retained attorney of the victim, a lawful representative of the victim, or the attorney for the government upon request of the victim may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, ensuring that no right is deprived without due process of law, and affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding disposition of a victim's right shall be clearly stated on the record.
3. The granting of these rights to victims shall not be construed to deny or disparage other rights possessed by victims. All provisions of this section apply throughout criminal and juvenile justice processes and are self-enabling. This section does not create any cause of action for damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any of its political subdivisions, or any officer or employee of the court.
4. As used in this section, a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. If a victim is deceased, incompetent, incapacitated, or a minor, the victim's spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, may also exercise these rights. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

[Ohio Constitution](https://www.legislature.ohio.gov/laws/ohio-constitution)

The 1851 Constitution with Amendments to 2017

Article I - Bill of Rights

§ 01 Inalienable Rights (1851)

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.

§ 02 Right to alter, reform, or abolish government, and repeal special privileges (1851)

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.

§ 03 Right to assemble (1851)

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.

§ 04 Bearing arms; standing armies; military powers (1851)

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.

§ 05 Trial by jury (1851, amended 1912)

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.

(As amended September 3, 1912.)

§ 06 Slavery and involuntary servitude (1851)

There shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime.

§ 07 Rights of conscience; education; the necessity of religion and knowledge (1851)

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.

§ 08 Writ of habeas corpus (1851)

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

§ 09 Bail; cruel and unusual punishments

All persons shall be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great, and except for a person who is charged with a felony where the proof is evident or the presumption great and where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is charged with any offense for which the person may be incarcerated, the court may determineat any time the type, amount, and conditions of bail. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

The General Assembly shall fix by law standards to determine whether a person who is charged with a felony where the proof is evident or the presumptiongreat poses a substantial risk of serious physical harm to any person or to the community. Procedures for establishingthe amount and conditions of bail shall be established pursuant to Article IV, Section 5(b) of the Constitution of the state of Ohio.

(As amended January 1, 1998.)

§ 10 Trial for crimes; witness (1851; amended 1912)

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.

(As amended September 3, 1912.)

§ 10a Rights of victims of crime

(A) To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:

(1) to be treated with fairness and respect for the victim's safety, dignity and privacy;
(2) upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
(3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
(4) to reasonable protection from the accused or any person acting on behalf of the accused;
(5) upon request, to reasonable notice of any release or escape of the accused;
(6) except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
(7) to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
(8) to proceedings free from unreasonable delay and a prompt conclusion of the case;
(9) upon request, to confer with the attorney for the government; and
(10) to be informed, in writing, of all rights enumerated in this section.

(B) The victim, the attorney for the government upon request of the victim, or the victim's other lawful representative, in any proceeding involving the criminal offense or delinquent act against the victim or in which the victim's rights are implicated, may assert the rights enumerated in this section and any other right afforded to the victim by law. If the relief sought is denied, the victim or the victim's lawful representative may petition the court of appeals for the applicable district, which shall promptly consider and decide the petition.

(C) This section does not create any cause of action for damages or compensation against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.

(D) As used in this section, "victim" means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

(E) All provisions of this section shall be self-executing and severable, and shall supersede all conflicting state laws.

(F) This section shall take effect ninety days after the election at which it was approved.

(Adopted, effective February 5, 2018; Proposed by Initiative Petition)

§ 11 Freedom of speech; of the press; of libels (1851)

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.

§ 12 Transportation, etc. for crime (1851)

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.

§ 13 Quartering troops (1851)

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.

§ 14 Search warrants and general warrants (1851)

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.

§ 15 No imprisonment for debt (1851)

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

§ 16 Redress in courts (1851, amended 1912)

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.

(As amended September 3, 1912.)

§ 17 Hereditary privileges, etc. (1851)

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

§ 18 Suspension of laws (1851)

No power of suspending laws shall ever be exercised, except by the general assembly.

§ 19 Inviolability of private property (1851)

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.

§ 19a Damages for wrongful death (1912)

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.

(Adopted September 3, 1912.)

§ 19b Property rights in ground water, lakes, and other watercourses

(A) The protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property interests in ground water, lakes, and watercourses.

(B) The preservation of private property interests recognized under divisions (C) and (D) of this section shall be held inviolate, but subservient to the public welfare as provided in Section 19 of Article I of the Constitution.

(C) A property owner has a property interest in the reasonable use of the ground water underlying the property owner's land.

(D) An owner of riparian land has a property interest in the reasonable use of the water in a lake or watercourse located on or flowing through the owner's riparian land.

(E) Ground water underlying privately owned land and nonnavigable waters located on or flowing through privately owned land shall not be held in trust by any governmental body. The state, and a political subdivision to the extent authorized by state law, may provide for the regulation of such waters. An owner of land voluntarily may convey to a governmental body the owner's property interest held in the ground water underlying the land or nonnavigable waters located on or flowing through the land.

(F) Nothing in this section affects the application of the public trust doctrine as it applies to Lake Erie or the navigable waters of the state.

(G) Nothing in Section 1e of Article II, Section 36 of Article II, Article VIII, Section 1 of Article X, Section 3 of Article XVIII, or Section 7 of Article XVIII of the Constitution shall impair or limit the rights established in this section.

(SJR 8; Adopted 11-4-08, effective 12-1-08)

§ 20 Powers reserved to the people (1851)

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.

§ 21 Preservation of the freedom to choose health care and health care coverage

(A) No federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system.

(B) No federal, state, or local law or rule shall prohibit the purchase or sale of health care or health insurance.

(C) No federal, state, or local law or rule shall impose a penalty or fine for the sale or purchase of health care or health insurance.

(D) This section does not affect laws or rules in effect as of March 19, 2010; affect which services a health care provider or hospital is required to perform or provide; affect terms and conditions of government employment; or affect any laws calculated to deter fraud or punish wrongdoing in the health care industry.

(E) As used in this Section,

(1) "Compel" includes the levying of penalties or fines.

(2) "Health care system" means any public or private entity or program whose function or purpose includes the management of, processing of, enrollment of individuals for, or payment for, in full or in part, health care services, health care data, or health care information for its participants.

(3) "Penalty or fine" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee established by law or rule by a government established, created, or controlled agency that is used to punish or discourage the exercise of rights protected under this section.

(Adopted 12-9-11; Proposed by Initiative Petition)

Oregon

PREAMBLE AND ARTICLE I (BILL OF RIGHTS)

PREAMBLE.-

We the people of the State of Oregon to the end that Justice be established, order maintained, and liberty perpetuated, do ordain this constitution.-

ARTICLE I

BILL OF RIGHTS

1.-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.-

2.-All men shall be secure in the natural right, to worship Almighty God according to the dictates of their own consciences.-

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

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

5.-No money shall be drawn from the Treasury for the benefit of any religious, or theological institution, nor shall any money be appropriated for the payment of any religious services in either house of the Legislative Assembly.-

6.-No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion; nor be questioned in any Court of Justice touching his religious belief to affect the weight of his testimony.-

7.-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.-

8.-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.-

9.-No law shall violate the right of the people to be secure in their persons, house, papers, and effects, against 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.-

10.-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.-

11.-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 the 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.-

12.-No person shall be put in jeopardy twice for the same offense, nor be compelled in any criminal prosecution to testify against himself.-

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

14.-Offenses except murder, and treason, shall be bailable by sufficient sureties. Murder or treason, shall not be bailable, when proof is evident, or the presumption strong.-

15.-Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice.-

16.-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.-

17.-In all civil cases the right of Trial by Jury shall remain inviolate.-

18.-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.-\*

\*(amended May 21, 1920 and again amended November 4, 1924, infra.)

19.-There shall be no imprisonment for debt, except in case of fraud or absconding debtors.-

20.-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.-

21.-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.-

22.-The operation of the laws shall never be suspended, except by the authority of the Legislative Assembly.-

23.-The privilege of the writ of *habeas corpus* shall not be suspended unless in a case of rebellion, or invasion the public safety require it.-

24.-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.-

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

26.-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 their Representatives; nor from applying to the Legislature for redress of grievances.-

27.-The people shall have the right to bear arms for the defense of themselves, and the state, but the Military shall be kept in strict subordination to the civil power.-

28.-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.-

29.-No law shall be passed granting any title of Nobility, or conferring hereditary distinctions.- 30.-No law shall be passed prohibiting emigration from the State.-

31.-White 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. And the Legislative Assembly shall have power to restrain, and regulate the immigration to this State of persons not qualified to become Citizens of the United States.-

32.-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 equal and uniform.-\*

\*(Amended June 4, 1917, infra.)

33.-This enumeration of rights, and privileges shall not be constructed to impair or deny others retained by the people.-\*

\*(November 3, 1914, two additional sections were added to the Bill of Rights, each numbered section 36. One of these was repealed by the adoption of section 37, May 21, 1920. See these sections, infra.

Also, on November 7, 1916, an additional section 36a was added, infra. Sections 37 and 38 were added at the election of May 21, 1920, infra.

The anti-slavery provision and the provision against free Negroes were added to the Bill of Rights as unnumbered sections by vote of the people at the time of adoption, in accordance with Article XVIII, Section 4, of the Constitution. They have since been treated as Sections 34 and 35 of Article I. They are in Article XVIII, infra, but Section 35 was repealed November

**PENNSYLVANIA**

PREAMBLE

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I

DECLARATION OF RIGHTS

**Adoption.**  Unless otherwise noted, the provisions of Article I were adopted December 16, 1873, 1874 P.L.3, effective January 1, 1874.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT--

**§ 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.

**§ 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.

**§ 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.

**§ 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.

**§ 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.

**§ 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. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.

(May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)

**§ 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.

**Constitutionality.**  The provisions of section 7 relating to criminal libel were declared unconstitutional by the Supreme Court of Pennsylvania in Commonwealth v. Armao, 446 Pa. 325, 286 A.2d 626 (1972).

**§ 8.  Security from 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 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.

**§ 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 be confronted with the witnesses against him, 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.

(Nov. 6, 1984, P.L.1306, J.R.2; Nov. 7, 1995, 1st Sp.Sess., P.L.1151, J.R.1; Nov. 4, 2003, P.L.459, J.R.1)

**1995 Amendment.**  Joint Resolution No. 1 amended section 9. The passage of Joint Resolution No.1 was declared unconstitutional by Bergdoll v. Kane 731 A.2d 1261 (1999) and the language was reverted.

**§ 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.

(Nov. 6, 1973, P.L.452, J.R.2)

**§ 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.

**§ 12.  Power of suspending laws.**

No power of suspending laws shall be exercised unless by the Legislature or by its authority.

**§ 13.  Bail, fines and punishments.**

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

**§ 14.  Prisoners to be bailable; habeas corpus.**

All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community 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.

(Nov. 3, 1998, P.L.1327, J.R.1)

**§ 15.  Special criminal tribunals.**

No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases.

(May 16, 1967, P.L.1035, J.R.1)

**§ 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.

**§ 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.

**§ 18.  Attainder.**

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

**§ 19.  Attainder limited.**

No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

(May 16, 1967, P.L.1035, J.R.1)

**§ 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.

**§ 21.  Right to bear arms.**

The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

**§ 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.

**§ 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.

**§ 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.

**§ 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.

(May 16, 1967, P.L.1035, J.R.1)

**1967 Amendment.**  Joint Resolution No.1 repealed former section 25 and renumbered former section 26 to present section 25.

**§ 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 right, nor discriminate against any person in the exercise of any civil right.

(May 16, 1967, P.L.1035, J.R.1)

**1967 Amendment.**  Joint Resolution No.1 added present section 26 and renumbered former section 26 to present section 25.

**§ 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 people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

(May 18, 1971, P.L.769, J.R.3)

**1971 Amendment.**  Joint Resolution No.3 added section 27.

**§ 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.

(May 18, 1971, P.L.767, J.R.2)

**1971 Amendment.**  Joint Resolution No.2 added section 28.

**South Carolina**

**Article I Declaration Of Rights**

**Disclaimer**

This statutory database is current through the 2005 Regular Session of the South Carolina General Assembly. Changes to the statutes enacted by the 2006 General Assembly, which will convene in January 2006, will be incorporated as soon as possible. Some changes enacted by the 2006 General Assembly may take immediate effect. The State of South Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, or changes which may have been enacted since the 2005 Regular Session or which took effect after this database was prepared and users rely on the data entirely at their own risk.

ARTICLE I.

DECLARATION OF RIGHTS

**SECTION 1.** Political power in 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 6.** Residence.

Temporary absence from the State shall not forfeit a residence once obtained.

**SECTION 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.

**SECTION 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.

**SECTION 9.** Courts; speedy remedy.

All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

**SECTION 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.

**SECTION 11.** Presentment or indictment.

No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury of the county where the crime has 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. Nothing contained in this Constitution is deemed to limit or prohibit the establishment by the General Assembly of a state grand jury with the authority to return indictments irrespective of the county where the crime has been committed and that other authority, including procedure, as the General Assembly may provide. (1989 Act No. 5, Section 2, eff February 15, 1989; 1989 Act No. 8, Section 1, eff February 15, 1989.)

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 15.** Right of bail; excessive bail; cruel or unusual or corporal punishment; detention of witnesses.

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, 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. (1998 Act No. 259, Section 2, eff February 17, 1998.)

**SECTION 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.

**SECTION 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.

Provided, however, that the General Assembly may provide by law that any incorporated municipality in Sumter County or any housing or redevelopment authority now or hereafter established in the county may undertake and carry out slum clearance and redevelopment work, including the acquisition and clearance of areas which are predominantly slum or blighted areas, the preparation of such areas for reuse and the sale or disposition of such areas to private enterprise for private uses, or to public bodies for public uses. Any such work shall constitute a governmental function undertaken for public purposes, and the powers of taxation and eminent domain may be exercised and public funds expended in furtherance thereof. Provided, further, that just compensation be paid for all property and property rights so taken, including relocation costs. In cases of condemnation of land, where reuse is for private purposes, on which is located main underground subway systems, interstate toll lines, transmission lines, transformer vaults, gas pipelines or railroad main line trackage or other similar public utilities, the compensation to the public utility or railroad shall be the reasonable expense incurred in relocation of the systems, lines, vaults or trackage in addition to any other compensation to which it may be entitled by law.

Provided, that the municipalities of Cherokee County may pursuant to statutory law, now existing or hereafter enacted, and acting through their municipal councils or through any housing or redevelopment authority, now or hereafter established, undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for reuse, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses, and to that end may exercise the power of eminent domain as to any property essential to the plan of slum clearance and redevelopment. Provided, further, that just compensation be paid for all property and property rights so taken. When land is condemned and reuse is for private purposes, and there is located thereon any main underground subway system, interstate toll lines, transmission lines, transformer vaults or railroad trackage, the compensation to any public utility or railroad shall include, in addition to any other compensation to which it may be entitled by law, the reasonable expense incurred in relocating such system, lines, vaults or trackage as may be affected by such taking. Provided, further, that in cases of condemnation of land, where reuse is for private purposes, the condemnee shall be given the first opportunity to purchase the land when it is sold by the condemnor for such reuse. Provided, further, that when land is purchased or condemned, or when right-of-way is vacated, and such land or right-of-way is reused for private purposes, and the relocation or rearrangement of any main underground subway system, telephone line, transmission line, transformer vault or railroad trackage is required because of such reuse, the public utility or railroad shall be compensated, but the total compensation to any public utility or railroad, in addition to any other compensation to which it may be entitled by law, for such relocation or rearrangement shall not exceed the reasonable expense incurred in relocating or rearranging the system, lines, vaults or trackage affected by such taking.

**SECTION 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.

**SECTION 19.** Imprisonment for debt.

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

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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 permissory by its own terms.

**SECTION 24.** Victims' Bill of Rights.

(A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

(1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;

(2) be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;

(3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;

(4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;

(5) be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;

(6) be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;

(7) confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;

(8) have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;

(9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;

(10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;

(11) a reasonable disposition and prompt and final conclusion of the case;

(12) have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

(B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, and a wilful failure to comply with a writ of mandamus is punishable as contempt.

(C) For purposes of this section:

(1) A victim's exercise of any right granted by this section is not grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(2) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime against him. The term "victim" also includes the person's spouse, parent, child, or lawful representative of a crime victim who is deceased, who is a minor or who is incompetent or who was a homicide victim or who is physically or psychologically incapacitated.

(3) The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(4) The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the General Assembly or retained by victims. (1998 Act No. 259, Section 1, eff February 17, 1998.)

**Article VI, South Dakota Constitution**

|  |
| --- |
| [**South Dakota Constitution**](https://ballotpedia.org/South_Dakota_Constitution) |
|  |
| **Articles** |
| [I](https://ballotpedia.org/Article_I%2C_South_Dakota_Constitution) • [II](https://ballotpedia.org/Article_II%2C_South_Dakota_Constitution) • [III](https://ballotpedia.org/Article_III%2C_South_Dakota_Constitution) • [IV](https://ballotpedia.org/Article_IV%2C_South_Dakota_Constitution) • [V](https://ballotpedia.org/Article_V%2C_South_Dakota_Constitution) • VI • [VII](https://ballotpedia.org/Article_VII%2C_South_Dakota_Constitution) • [VIII](https://ballotpedia.org/Article_VIII%2C_South_Dakota_Constitution) • [IX](https://ballotpedia.org/Article_IX%2C_South_Dakota_Constitution) • [X](https://ballotpedia.org/Article_X%2C_South_Dakota_Constitution) • [XI](https://ballotpedia.org/Article_XI%2C_South_Dakota_Constitution) • [XII](https://ballotpedia.org/Article_XII%2C_South_Dakota_Constitution) • [XIII](https://ballotpedia.org/Article_XIII%2C_South_Dakota_Constitution) • [XIV](https://ballotpedia.org/Article_XIV%2C_South_Dakota_Constitution) • [XV](https://ballotpedia.org/Article_XV%2C_South_Dakota_Constitution) • [XVI](https://ballotpedia.org/Article_XVI%2C_South_Dakota_Constitution) • [XVII](https://ballotpedia.org/Article_XVII%2C_South_Dakota_Constitution) • [XVIII](https://ballotpedia.org/Article_XVIII%2C_South_Dakota_Constitution) • [XIX](https://ballotpedia.org/Article_XIX%2C_South_Dakota_Constitution) • [XX](https://ballotpedia.org/Article_XX%2C_South_Dakota_Constitution) • [XXI](https://ballotpedia.org/Article_XXI%2C_South_Dakota_Constitution) • [XXII](https://ballotpedia.org/Article_XXII%2C_South_Dakota_Constitution) • [XXIII](https://ballotpedia.org/Article_XXIII%2C_South_Dakota_Constitution) • [XXIV](https://ballotpedia.org/Article_XXIV%2C_South_Dakota_Constitution) • [XXV](https://ballotpedia.org/Article_XXV%2C_South_Dakota_Constitution) • [XXVI](https://ballotpedia.org/Article_XXVI%2C_South_Dakota_Constitution) • [XXVII](https://ballotpedia.org/Article_XXVII%2C_South_Dakota_Constitution) • [XXVIII](https://ballotpedia.org/Article_XXVIII%2C_South_Dakota_Constitution) • [XXIX](https://ballotpedia.org/Article_XXIX%2C_South_Dakota_Constitution) • [XXX](https://ballotpedia.org/Article_XXX%2C_South_Dakota_Constitution) |

**Article VI** of the [South Dakota Constitution](https://ballotpedia.org/South_Dakota_Constitution) is entitled **Bill of Rights** and consists of 28 sections.

Section 1

|  |
| --- |
|  |
|  | **Text of Section 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[[1]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-1) |

Section 2

|  |
| --- |
|  |
|  | **Text of Section 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 |

**History:** Amendment proposed by SL 1945, ch 315, approved Nov., 1946.[[2]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-2)

Section 3

|  |
| --- |
|  |
|  | **Text of Section 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[[3]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-3) |

Section 4

|  |
| --- |
|  |
|  | **Text of Section 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.[[4]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-4) |

Section 5

|  |
| --- |
|  |
|  | **Text of Section5:****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[[5]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-5) |

Section 6

|  |
| --- |
|  |
|  | **Text of Section 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[[6]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-6) |

Section 7

|  |
| --- |
|  |
|  | **Text of Section 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. |

**History:** Amendment proposed by initiated measure, rejected Nov. 5, 2002.[[7]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-7)

Section 8

|  |
| --- |
|  |
|  | **Text of Section 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[[8]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-8) |

Section 9

|  |
| --- |
|  |
|  | **Text of Section 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[[9]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-9) |

Section 10

|  |
| --- |
|  |
|  | **Text of Section 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[[10]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-10) |

Section 11

|  |
| --- |
|  |
|  | **Text of Section 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[[11]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-11) |

Section 12

|  |
| --- |
|  |
|  | **Text of Section 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[[12]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-12) |

Section 13

|  |
| --- |
|  |
|  | **Text of Section 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. |

**History:** Amendment proposed by SL 1961, ch 297, approved Nov. 6, 1962; amendment proposed by SL 1989, ch 3, rejected November 6, 1990.[[13]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-13)

Section 14

|  |
| --- |
|  |
|  | **Text of Section 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[[14]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-14) |

Section 15

|  |
| --- |
|  |
|  | **Text of Section 15:****Imprisonment for Debt**No person shall be imprisoned for debt arising out of or founded upon a contract[[15]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-15) |

Section 16

|  |
| --- |
|  |
|  | **Text of Section 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[[16]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-16) |

Section 17

|  |
| --- |
|  |
|  | **Text of Section 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[[17]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-17) |

Section 18

|  |
| --- |
|  |
|  | **Text of Section 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[[18]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-18) |

Section 19

|  |
| --- |
|  |
|  | **Text of Section 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[[19]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-19) |

Section 20

|  |
| --- |
|  |
|  | **Text of Section 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[[20]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-20) |

Section 21

|  |
| --- |
|  |
|  | **Text of Section 21:****Suspension of Laws Prohibited**No power of suspending laws shall be exercised, unless by the Legislature or its authority[[21]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-21) |

Section 22

|  |
| --- |
|  |
|  | **Text of Section 22:****Attainder by Legislature Prohibited**No person shall be attainted of treason or felony by the Legislature[[22]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-22) |

Section 23

|  |
| --- |
|  |
|  | **Text of Section 23:****Excessive Bail or Fines--Cruel Punishments**Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted[[23]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-23) |

Section 24

|  |
| --- |
|  |
|  | **Text of Section 24:****Right to Bear Arms**The right of the citizens to bear arms in defense of themselves and the state shall not be denied[[24]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-24) |

Section 25

|  |
| --- |
|  |
|  | **Text of Section 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[[25]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-25) |

Section 26

|  |
| --- |
|  |
|  | **Text of Section 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[[26]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-26) |

Section 27

|  |
| --- |
|  |
|  | **Text of Section 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[[27]](https://ballotpedia.org/Article_VI%2C_South_Dakota_Constitution#cite_note-27) |

Section 28

|  |
| --- |
|  |
|  | **Text of Section 28:****Right to a Secret Ballot** The rights of individuals to vote by secret ballot is fundamental. If any state or federal law requires or permits an election for public office, for any initiative or referendum, or for any designation or authorization of employee representation, the right of any individual to vote by secret ballot shall be guaranteed. |

**Amendments**

[Ratified on November 2, 2010.](https://ballotpedia.org/South_Dakota_Vote_by_Secret_Ballot%2C_Amendment_K_%282010%29)

Section 29

|  |
| --- |
|  |
|  | **Text of Section 29:**A victim shall have the following rights:1. The right to due process and to be treated with fairness and respect for the victim's dignity;2. The right to be free from intimidation, harassment and abuse;3. The right to be reasonably protected from the accused and any person acting on behalf of the accused;4. The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions;5. The right, upon request, to prevent the disclosure to the public, or the defendant or anyone acting on behalf of the defendant in the criminal case, of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records. This does not limit law enforcement from sharing information with the public for the purposes of enlisting the public's help in solving a crime;6. The right to privacy, which includes the right to refuse an interview, deposition or other discovery request, and to set reasonable conditions on the conduct of any such interaction to which the victim consents;7. The right, upon request, to reasonable, accurate and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication and disposition, and any proceeding during which a right of the victim is implicated;8. The right, upon request, to be promptly notified of any release or escape of the accused;9. The right to be heard in any proceeding involving release, plea sentencing, adjudication, disposition or parole, and any proceeding during which a right of the victim is implicated;10. The right, upon request, to confer with the attorney for the government;11. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any pre-sentence or disposition investigation or compiling any pre-sentence investigation report or plan of disposition, and to have any such information considered in any sentencing or disposition recommendations;12. The right, upon request, to receive a copy of any pre-sentence report or plan of disposition, and any other report or record relevant to the exercise of a victim's right, except for those portions made confidential by law;13. The right, upon request, to the prompt return of the victim's property when no longer needed as evidence in the case;14. The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal conduct and as provided by law for all losses suffered as a result of delinquent conduct;15. The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings;16. The right, upon request, to be informed of the conviction, adjudication, sentence, disposition, place and time of incarceration, detention or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody;17. The right, upon request, to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. Any parole authority shall extend the right to be heard to any person harmed by the offender;18. The right, upon request, to be informed in a timely manner of clemency and expungement procedures, to provide information to the Governor, the court, any clemency board and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made, and to be notified of such decision in advance of any release of the offender; and19. The right to be informed of these rights, and to be informed that a victim can seek the advice of an attorney with respect to the victim's rights. This information shall be made available to the general public and provided to each crime victim in what is referred to as a Marsy's Card.The victim, the retained attorney of the victim, a lawful representative of the victim, or the attorney for the government, upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right and ensuring that victims' rights and interests are protected in a manner no less vigorous than the protections afforded to criminal defendants and children accused of delinquency. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record.The granting of these rights to any victim shall ensure the victim has a meaningful role throughout the criminal and juvenile justice systems and may not be construed to deny or disparage other rights possessed by victims. The Legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section.As used in this section, the term, victim, means a person against whom a crime or delinquent act is committed. In the case of a victim who is killed or incapacitated as a result of the crime or delinquent act, or who is a minor, the term also includes any spouse, parent, child, sibling, or as designated by the court, grandparent, grandchild, or guardian. The term does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.Nothing in this section or any law enacted under this section creates a cause of action for damages against the state or any political subdivision of the state, or any officer, employee, or agent of the state or of any political subdivision of the state. |

**Rhode Island**

**Primary Source Document Transcription**

***Made available through the*** ***Rhode Island State Archives***

*This transcript is intended to capture the substance of the document.*

*For details of capitalization, punctuation, spelling and spacing, we recommend consulting the original document.*

**Bill of Rights and Amendments, 1790**

*Rhode Island ratified the US Constitution in May of 1790. It was the last state to do so, and the vote was closer than it had been in any other state - 34 delegates in favor of ratification and 32 opposed. At an earlier convention in March of 1790, delegates drafted a Declaration of Rights along with proposed amendments to the Constitution. The Declaration of Rights – here called a Bill of Rights – and amendments were printed and circulated throughout the state.*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Bill of Rights, and Amendments to the Constitution of the United States, as agreed to by the

Convention of the State of Rhode Island and Providence Plantations, at South Kingstown, in the County of Washington, on the first Monday of March, A.D. 1790.

DECLARATION of RIGHTS

1. That there are certain natural rights, of which men, when they form a social compact, cannot

deprive or divest their posterity - among which are the enjoyment of life and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2. That all power is naturally vested in, and consequently derived from the people; that magistrates therefore are their trustees and agents, and at all times amenable to them.

3. That the powers of government may be reassumed by the people, whensoever it shall become necessary to their happiness. That the rights of the States respectively to nominate and appoint all State officers, and every power, jurisdiction and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or to the departments of government thereof, remain to the people of the several states, or their respective State Governments to whom they may have granted the same; and that those clauses in the said Constitution which declare that Congress shall not have or exercise certain powers, do not imply, that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

4. 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, and not by force or violence - and therefore all men, have an equal, natural and unalienable right to the free exercise of religion according to the dictates of

This transcript is intended to capture the substance of the document.

For details of grammar, punctuation, spacing, and spelling, we recommend consulting the original document.

2

conscience; and that no particular religious sect or society ought to be favored or established by law in preference to others.

5. That the legislative, executive and judiciary powers of government should be separate and distinct, and that the members of the two first may be restrained from oppression by feeling and participating the public burthens, they should at fixed periods be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections in which all or any part of the former members to be eligible or ineligible as the rules of the Constitution of government and the laws shall direct.

6. That elections of representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with and attachment to the community ought to have the right of suffrage; and no aid, charge tax or fee can be set, rated or levied upon the people, without their own consent or that of their representatives so elected, nor can they be bound by any law to which they have not in like manner assented for the public good.

7. That all power of suspending laws or the execution of laws by any authority without the consent of the representatives of the people in the legislature is injurious to their rights and ought not to be exercised.

8. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage without whose unanimous consent he cannot be found guilty (except in the government of the land and naval forces) nor can he be compelled to give evidence against himself.

9. That no freeman ought to be taken, imprisoned or disseized of his freehold, liberties, privileges, or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property but by the trial by jury, or by the law of the land.

10. That every freeman restrained of his liberty, is entitled to a remedy to enquire into the lawfulness thereof and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

11. That in controversies respecting property, and in suits between man and man the ancient trial by jury, as hath been exercised by us and our ancestors, from the time whereof the mind of man is not to the contrary, is one of the greatest securities to the rights of the people and ought to remain sacred and inviolate.

This transcript is intended to capture the substance of the document.

For details of grammar, punctuation, spacing, and spelling, we recommend consulting the original document.

3

12**. That every freeman ought to obtain right and justice freely and without sale - completely and without denial - promptly and without delay - and that all establishments or regulations contravening these rights are oppressive and unjust.**

13. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

14. That every person has a right to be secure from all unreasonable searches and seizures of his person, his papers or his property, and therefore that all warrants to search suspected places or seize any person, his papers or his property, without information upon oath or affirmation of sufficient cause are grievous and oppressive, and that all general warrants for such in which the place or person suspected, are not particularly designated,) are dangerous, and ought not to be granted.

15. That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives, and that every person has a right to petition or appeal to the legislature for redress of grievances.

16. That the people have a right to freedom of speech, and of writing and publishing their sentiments, that freedom of the press is one of the greatest bulwarks of liberty and ought not to be violated.

17. That the people have a right to keep and bear arms; that a well regulated militia, including the body of the people, capable of bearing arms, is the proper, natural and safe defense of a free state; that the militia shall not be subject to martial law except in time of war, rebellion or insurrection; that standing armies in time of peace are dangerous to liberty and ought not to be kept up, except in cases of necessity, and that at all times the military should be under strict subordination to the civil power; that in time of peace no soldier ought to be quartered in any house, without the consent of the owner, and in time of war, only by the civil magistrate, in such manner as the law directs.

18. That any person religiously scrupulous of bearing arms, ought to be exempted, upon payment of an equivalent, to employ another to bear arms in his stead.

**CONSTITUTION OF THE STATE OF TENNESSEE**

***Preamble and Declaration of Rights***

Whereas, The people of the territory of the United States south of the river Ohio, having the right of admission into the general government as a member state thereof, consistent with the Constitution of the United States, and the act of cession of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north west of the Ohio River, by their delegates and representatives in convention assembled, did on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution, or form of government, and mutually agreed with each other to form themselves into a free and independent state by the name of the state of Tennessee, and,

Whereas, The General Assembly of the said state of Tennessee, (pursuant to the third section of the tenth article of the Constitution,) by an act passed on the Twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled, "An Act" to provide for the calling of a convention, passed in obedience to the declared will of the voters of the state, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election by the people of delegates and representatives, to meet at Nashville, in Davidson County, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending, or changing, the Constitution, and said convention did accordingly meet and form a Constitution which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five, and,

Whereas, The General Assembly of said state of Tennessee, under and in virtue of the first section of the first article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the state, by an act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the state, to meet at Nashville, on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or forming and making a new Constitution; and,

Whereas, The people of the state, in the mode provided by said Act, have called said convention, and elected delegates to represent them therein; now therefore,

We, the delegates and representatives of the people of the state of Tennessee, duly elected, and in convention assembled, in pursuance of said act of Assembly have ordained and established the following Constitution and form of government for this state, which we recommend to the people of Tennessee for their ratification: That is to say

**Tennessee**

**ARTICLE I.**

***Declaration of Rights.***

**Section 1.** 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.

2

**Section 2.** That government being instituted for the common benefit, the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

**Section 3.** 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.

**Section 4.** 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.

**Section 5.** The elections shall be free and equal, and the right of 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.

**Section 6.** 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.

**Section 7.** 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.

**Section 8.** 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.

**Section 9.** 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.

**Section 10.** That no person shall, for the same offence, be twice put in jeopardy of life or limb.

**Section 11.** 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.

**Section 12.** 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.

**Section 13.** That no person arrested and confined in jail shall be treated with unnecessary rigor.

3

**Section 14.** That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.

**Section 15.** 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.

**Section 16.** That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Section 17.** 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.

**Section 18.** The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

**Section 19.** 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.

**Section 20.** That no retrospective law, or law impairing the obligations of contracts, shall be made.

**Section 21.** 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 therefore.

**Section 22.** That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

**Section 23.** 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.

**Section 24.** 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.

**Section 25.** 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.

4

**Section 26.** 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.

**Section 27.** 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.

**Section 28.** That no citizen of this state be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

**Section 29.** 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.

**Section 30.** That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this state.

**Section 31.** That the limits and boundaries of this state be 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 herein before designated.

**Section 32.** That the erection of safe prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for.

**Section 33.** 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.

**Section 34.** The General Assembly shall make no law recognizing the right of property in man.

5

**Section 35.** To preserve and protect the rights of victims of crime to justice and due process, victims shall be entitled to the following basic rights:

(a) The right to confer with the prosecution.

(b) The right to be free from intimidation, harassment and abuse throughout the criminal justice system.

(c) The right to be present at all proceedings where the defendant has the right to be present.

(d) The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly.

(e) The right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person.

(f) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.

(g) The right to restitution from the offender.

(h) The right to be informed of each of the rights established for victims.

The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section.

**Section 36.** Nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion. The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother.

**ARTICLE II.**

***Distribution of Powers.***

**Section 1.** The powers of the government shall be divided into three distinct departments: legislative, executive, and judicial.

**Section 2.** No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

THE TEXAS CONSTITUTION

ARTICLE 1. 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. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.

(Added Nov. 7, 1972.)

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 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.

(Amended Nov. 5, 1918.)

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. DENIAL OF BAIL AFTER MULTIPLE FELONIES. (a) 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, (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, or (4) accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the State or a political subdivision of the State for a prior felony, after a hearing, and upon evidence substantially showing the guilt of the accused of the offense in (1) or (3) above, of the offense committed while on bail in (2) above, or of the offense in (4) above committed while under the supervision of a criminal justice agency of the State or a political subdivision of the State for a prior felony, 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, the accusation and indictment used under (2) above, or the accusation or indictment used under (4) 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.

(b) In this section:

(1) "Violent offense" means:

(A) murder;

(B) aggravated assault, if the accused used or exhibited a deadly weapon during the commission of the assault;

(C) aggravated kidnapping; or

(D) aggravated robbery.

(2) "Sexual offense" means:

(A) aggravated sexual assault;

(B) sexual assault; or

(C) indecency with a child.

(Added Nov. 6, 1956; amended Nov. 8, 1977; Subsec. (a) amended and (b) added Nov. 2, 1993.)

Sec. 11b. DENIAL OF BAIL FOR VIOLATION OF CONDITION OF RELEASE. Any person who is accused in this state of a felony or an offense involving family violence, who is released on bail pending trial, and whose bail is subsequently revoked or forfeited for a violation of a condition of release may be denied bail pending trial if a judge or magistrate in this state determines by a preponderance of the evidence at a subsequent hearing that the person violated a condition of release related to the safety of a victim of the alleged offense or to the safety of the community.

(Added Nov. 8, 2005; amended Nov. 6, 2007.)

Sec. 11c. DENIAL OF BAIL FOR VIOLATION OF PROTECTIVE ORDER INVOLVING FAMILY VIOLENCE. The legislature by general law may provide that any person who violates an order for emergency protection issued by a judge or magistrate after an arrest for an offense involving family violence or who violates an active protective order rendered by a court in a family violence case, including a temporary ex parte order that has been served on the person, or who engages in conduct that constitutes an offense involving the violation of an order described by this section may be taken into custody and, pending trial or other court proceedings, denied release on bail if following a hearing a judge or magistrate in this state determines by a preponderance of the evidence that the person violated the order or engaged in the conduct constituting the offense.

(Added Nov. 6, 2007.)

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 OR UNUSUAL PUNISHMENT; OPEN COURTS; REMEDY BY DUE COURSE OF LAW. 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.

(Amended Aug. 24, 1935.)

Sec. 15-a. 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 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.

(Added Nov. 6, 1956.)

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 PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES. (a) 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 only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.

(c) On or after January 1, 2010, the legislature may enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house.

(d) When a person's property is taken under Subsection (a) of this section, except for the use of the State, compensation as described by Subsection (a) 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.

(Amended Nov. 3, 2009.)

Sec. 18. IMPRISONMENT FOR DEBT. No person shall ever be imprisoned for debt.

Sec. 19. DEPRIVATION OF LIFE, LIBERTY, PROPERTY, ETC. BY 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 OUT OF STATE FOR OFFENSE. No citizen shall be outlawed. No person shall be transported out of the State for any offense committed within the same. This section does not prohibit an agreement with another state providing for the confinement of inmates of this State in the penal or correctional facilities of that state.

(Amended Nov. 5, 1985.)

Sec. 21. CORRUPTION OF BLOOD; FORFEITURE OF ESTATE; SUICIDES. No conviction shall work corruption of blood, or forfeiture 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 AGAINST STATE. 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. BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT AND INVIOLATE. 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 inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

Sec. 30. RIGHTS OF CRIME VICTIMS. (a) A crime victim has the following rights:

(1) the right to be treated with fairness and with respect for the victim's dignity and privacy throughout the criminal justice process; and

(2) the right to be reasonably protected from the accused throughout the criminal justice process.

(b) On the request of a crime victim, the crime victim has the following rights:

(1) the right to notification of court proceedings;

(2) the right to be present at all public court proceedings related to the offense, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial;

(3) the right to confer with a representative of the prosecutor's office;

(4) the right to restitution; and

(5) the right to information about the conviction, sentence, imprisonment, and release of the accused.

(c) The legislature may enact laws to define the term "victim" and to enforce these and other rights of crime victims.

(d) The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.

(e) The legislature may enact laws to provide that a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction writ of habeas corpus. A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

(Added Nov. 7, 1989.)

Sec. 31. FUNDS FOR COMPENSATION TO VICTIMS OF CRIME. (a) The compensation to victims of crime fund created by general law and the compensation to victims of crime auxiliary fund created by general law are each a separate dedicated account in the general revenue fund.

(b) Except as provided by Subsection (c) of this section and subject to legislative appropriation, money deposited to the credit of the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund from any source may be expended as provided by law only for delivering or funding victim-related compensation, services, or assistance.

(c) The legislature may provide by law that money in the compensation to victims of crime fund or in the compensation to victims of crime auxiliary fund may be expended for the purpose of assisting victims of episodes of mass violence if other money appropriated for emergency assistance is depleted.

(Added Nov. 4, 1997.)

Sec. 32. MARRIAGE. (a) Marriage in this state shall consist only of the union of one man and one woman.

(b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.

(Added Nov. 8, 2005.)

Sec. 33. PUBLIC ACCESS TO AND USE OF PUBLIC BEACHES. (a) In this section, "public beach" means a state-owned beach bordering on the seaward shore of the Gulf of Mexico, extending from mean low tide to the landward boundary of state-owned submerged land, and any larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired a right of use or easement to or over the area by prescription or dedication or has established and retained a right by virtue of continuous right in the public under Texas common law.

(b) The public, individually and collectively, has an unrestricted right to use and a right of ingress to and egress from a public beach. The right granted by this subsection is dedicated as a permanent easement in favor of the public.

(c) The legislature may enact laws to protect the right of the public to access and use a public beach and to protect the public beach easement from interference and encroachments.

(d) This section does not create a private right of enforcement.

(Added Nov. 3, 2009.)

Sec. 34. RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE. (a) The people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing.

(b) Hunting and fishing are preferred methods of managing and controlling wildlife.

(c) This section does not affect any provision of law relating to trespass, property rights, or eminent domain.

(d) This section does not affect the power of the legislature to authorize a municipality to regulate the discharge of a weapon in a populated area in the interest of public safety.

(Added Nov. 3, 2015.)

**Article I, Utah Constitution**

|  |
| --- |
| [**Utah Constitution**](https://ballotpedia.org/Utah_Constitution) |
|  |
| [**Preamble**](https://ballotpedia.org/Preamble%2C_Utah_Constitution) |
| **Articles** |
| I • [II](https://ballotpedia.org/Article_II%2C_Utah_Constitution) • [III](https://ballotpedia.org/Article_III%2C_Utah_Constitution) • [IV](https://ballotpedia.org/Article_IV%2C_Utah_Constitution) • [V](https://ballotpedia.org/Article_V%2C_Utah_Constitution) • [VI](https://ballotpedia.org/Article_VI%2C_Utah_Constitution) • [VII](https://ballotpedia.org/Article_VII%2C_Utah_Constitution) • [VIII](https://ballotpedia.org/Article_VIII%2C_Utah_Constitution) • [IX](https://ballotpedia.org/Article_IX%2C_Utah_Constitution) • [X](https://ballotpedia.org/Article_X%2C_Utah_Constitution) • [XI](https://ballotpedia.org/Article_XI%2C_Utah_Constitution) • [XII](https://ballotpedia.org/Article_XII%2C_Utah_Constitution) • [XIII](https://ballotpedia.org/Article_XIII%2C_Utah_Constitution) • [XIV](https://ballotpedia.org/Article_XIV%2C_Utah_Constitution) • [XV](https://ballotpedia.org/Article_XV%2C_Utah_Constitution) • [XVI](https://ballotpedia.org/Article_XVI%2C_Utah_Constitution) • [XVII](https://ballotpedia.org/Article_XVII%2C_Utah_Constitution) • [XVIII](https://ballotpedia.org/Article_XVIII%2C_Utah_Constitution) • [XX](https://ballotpedia.org/Article_XX%2C_Utah_Constitution) • [XXII](https://ballotpedia.org/Article_XXII%2C_Utah_Constitution) • [XXIII](https://ballotpedia.org/Article_XXIII%2C_Utah_Constitution) • [XXIV](https://ballotpedia.org/Article_XXIV%2C_Utah_Constitution) |

**Article I** of the [Utah Constitution](https://ballotpedia.org/Utah_Constitution) is entitled **Declaration of Rights** and consists of 29 sections.

Section 1

|  |
| --- |
|  |
|  | **Text of Section 1:****Inherent and inalienable rights.**All persons 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

**Amendments**

* Amended by [Amendment A](https://ballotpedia.org/Utah_Constitutional_Amendment_A%2C_Gender-Neutral_Constitutional_Language_Amendment_%282020%29) of 2020, which was designed to remove gendered language in the Utah Constitution and replace it with gender-neutral language.

Section 2

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 3

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 4

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 5

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 6

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 7

|  |
| --- |
|  |
|  | **Text of Section 7:****Due Process of Law**No person shall be deprived of life, liberty or property, without due process of law.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 8

|  |
| --- |
|  |
|  | **Text of Section 8:****Offenses Bailable**(1) All persons charged with a crime shall be bailable except:(a) persons charged with a capital offense when there is substantial evidence to support the charge; or(b) persons charged with a felony while on probation or parole, or while free on bail awaiting trial on a previous felony charge, when there is substantial evidence to support the new felony charge; or(c) persons charged with any other crime, designated by statute as one for which bail may be denied, if there is substantial evidence to support the charge and the court finds by clear and convincing evidence that the person would constitute a substantial danger to any other person or to the community or is likely to flee the jurisdiction of the court if released on bail.(2) Persons convicted of a crime are bailable pending appeal only as prescribed by law.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 9

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 10

|  |
| --- |
|  |
|  | **Text of Section 10:****Trial by Jury**In capital cases the right of trial by jury shall remain inviolate. In capital cases the jury shall consist of twelve persons, and in all other felony cases, the jury shall consist of no fewer than eight persons. In other cases, the Legislature shall establish the number of jurors by statute, but in no event shall a jury consist of fewer than four persons. 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 11

|  |
| --- |
|  |
|  | **Text of Section 11:****Courts open -- Redress of injuries.**All courts shall be open, and every person, for an injury done to the person in his or her 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, with our without counsel, any civil cause to which the person is a party.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

**Amendments**

* Amended by [Amendment A](https://ballotpedia.org/Utah_Constitutional_Amendment_A%2C_Gender-Neutral_Constitutional_Language_Amendment_%282020%29) of 2020, which was designed to remove gendered language in the Utah Constitution and replace it with gender-neutral language.

Section 12

|  |
| --- |
|  |
|  | **Text of Section 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 , to have a copy thereof, to testify in the accused's own behalf, to be confronted by the witnesses against the accused, to have compulsory process to compel the attendance of witnesses in the accused's 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 or herself; a person shall not be compelled to testify against the person's spouse, nor shall any person be twice put in jeopardy for the same offense.Where the defendant is otherwise entitled to a preliminary examination, the function of that examination is limited to determining whether probable cause exists unless otherwise provided by statute. Nothing in this constitution shall preclude the use of reliable hearsay evidence as defined by statute or rule in whole or in part at any preliminary examination to determine probable cause or at any pretrial proceeding with respect to release of the defendant if appropriate discovery is allowed as defined by statute or rule.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

**Amendments**

* Amended by [Amendment A](https://ballotpedia.org/Utah_Constitutional_Amendment_A%2C_Gender-Neutral_Constitutional_Language_Amendment_%282020%29) of 2020, which was designed to remove gendered language in the Utah Constitution and replace it with gender-neutral language.

Section 13

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 14

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 15

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 16

|  |
| --- |
|  |
|  | **Text of Section 16:****No imprisonment for debt -- Exception.**There shall be no imprisonment for debt except in cases of absconding debtors. |

Section 17

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 18

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 19

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 20

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 21

|  |
| --- |
|  |
|  | **Text of Section 21:****[Slavery and involuntary servitude forbidden -- Limitation.].**(1) Neither slavery nor involuntary servitude shall exist within this State.(2) Subsection (1) does not apply to the otherwise lawful administration of the criminal justice system.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

**Amendments**

* [Amendment C](https://ballotpedia.org/Utah_Constitutional_Amendment_C%2C_Remove_Slavery_as_Punishment_for_a_Crime_from_Constitution_Amendment_%282020%29) on the ballot in Utah in 2020 removed language from the Utah Constitution that allowed the use of slavery and involuntary servitude as criminal punishments.

Section 22

|  |
| --- |
|  |
|  | **Text of Section 22:****Private property for public use.**Private property shall not be taken or damaged for public use without just compensation.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 23

|  |
| --- |
|  |
|  | **Text of Section 23:****Irrevocable franchises forbidden.**No law shall be passed granting irrevocably any franchise, privilege or immunity.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 24

|  |
| --- |
|  |
|  | **Text of Section 24:****Uniform operation of laws.**All laws of a general nature shall have uniform operation.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 25

|  |
| --- |
|  |
|  | **Text of Section 25:****Rights retained by people.**This enumeration of rights shall not be construed to impair or deny others retained by the people.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 26

|  |
| --- |
|  |
|  | **Text of Section 26:****Provisions mandatory and prohibitory.**The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 27

|  |
| --- |
|  |
|  | **Text of Section 27:****Fundamental rights.**Frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 28

|  |
| --- |
|  |
|  | **Text of Section 28:****Declaration of the rights of crime victims.**(1) To preserve and protect victims' rights to justice and due process, victims of crimes have these rights, as defined by law:(a) To be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process;(b) Upon request, to be informed of, be present at, and to be heard at important criminal justice hearings related to the victim, either in person or through a lawful representative, once a criminal information or indictment charging a crime has been publicly filed in court; and(c) To have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider, without evidentiary limitation, reliable information concerning the background, character, and conduct of a person convicted of an offense except that this subsection does not apply to capital cases or situations involving privileges.(2) Nothing in this section shall be construed as creating a cause of action for money damages, costs, or attorney's fees, or for dismissing any criminal charge, or relief from any criminal judgment.(3) The provisions of this section shall extend to all felony crimes and such other crimes or acts, including juvenile offenses, as the Legislature may provide.(4) The Legislature shall have the power to enforce and define this section by statute.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 29

|  |
| --- |
|  |
|  | **Text of Section 29:****Marriage.**(1) Marriage consists only of the legal union between a man and a woman.(2) No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

Section 30

|  |
| --- |
|  |
|  | **Text of Section 30:**Article I, Section 30. [Right to hunt and fish.](1) The individual right of the people to hunt and to fish is a valued part of the State's heritage and shall be forever preserved for the public good.(2) The right under Subsection (1) includes the right to use traditional methods to hunt and to fish, subject only to statute, and rules and regulations adopted as provided by statute, to:(a) promote wildlife conservation and management;(b) provide reasonable regulation of hunting and fishing activities; and(c) preserve the future of hunting and fishing.(3) Public hunting and fishing shall be the preferred means of managing and controlling wildlife.(4) This section does not affect:(a) the law relating to trespass or property rights;(b) the State's sovereign authority over the State's natural resources; or(c) the State's obligation to manage lands granted to the State under the Enabling Act.[[1]](https://ballotpedia.org/Article_I%2C_Utah_Constitution#cite_note-ut-1) |

**CONSTITUTION OF THE STATE OF VERMONT**

**AS ESTABLISHED JULY 9, 1793, AND AMENDED THROUGH NOVEMBER 2, 2010**

 **CHAPTER I.**

**A DECLARATION OF THE RIGHTS OF THE INHABITANTS
OF THE STATE OF VERMONT**

**Article 1. [All persons born free; their natural rights; slavery prohibited]**

That all persons 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 arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

**Article 2. [Private property subject to public use; owner to be paid]**

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.

**Article 3. [Freedom in religion; right and duty of religious worship]**

That all persons 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 person 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 conscience, nor can any person be justly deprived or abridged of any civil right as a citizen, on account of 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.

**Article 4. [Remedy at law secured to all]**

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property or character; every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; comformably to the laws.

**Article 5. [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.

**Article 6. [Officers 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.

**Article 7. [Government for the people; they may change it]**

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 person, family, or set of persons, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

**Article 8. [Elections to be free and pure; rights of voters therein]**

That all elections ought to be free and without corruption, and that all voters, 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.

**Article 9. [Citizens' rights and duties in the state; 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 the member's proportion towards the expence of that protection, and yield personal service, when necessary, or an equivalent thereto, but no part of any person's property can be justly taken, or applied to public uses, without the person's own consent, or that of the Representative Body, nor can any person who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if such person 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.

**Article 10. [Rights of persons accused of crime; personal liberty; waiver of jury trial]**

That in all prosecutions for criminal offenses, a person hath a right to be heard by oneself and by counsel; to demand the cause and nature of the accusation; to be confronted with the witnesses; to call for evidence in the person's favor, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, the person cannot be found guilty; nor can a person be compelled to give evidence against oneself; nor can any person be justly deprived of liberty, except by the laws of the land, or the judgment of the person's 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 the accused and filed with the court, waive the right to a jury trial and submit the issue of the accused's guilt to the determination and judgment of the court without a jury.

**Article 11. [Search and seizure regulated]**

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 by 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.

**Article 12. [Trial by jury to be held sacred]**

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.

**Article 13. [Freedom of speech and of the 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.

**Article 14. [Immunity for words spoken in legislative 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.

**Article 15. [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.

**Article 16. [Right to bear arms; standing armies; military power subordinate to civil]**

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.

**Article 17. [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.

**Article 18. [Regard to fundamental principles and virtues necessary to preserve liberty]**

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.

**Article 19. [Right to emigrate]**

That all people have a natural and inherent right to emigrate from one state to another that will receive them.

**Article 20. [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.

**Article 21. [No transportation for trial]**

That no person shall be liable to be transported out of this state for trial for any offence committed within the same.

Constitution of Virginia

[Table of Contents](https://law.lis.virginia.gov/constitution) » Article I. Bill of Rights

* Article
* [Print](https://law.lis.virginia.gov/constitutionexpand/article1/)
* [PDF](https://law.lis.virginia.gov/constitutionexpand/article1/)

[email](https://law.lis.virginia.gov/emailForm?parent=constitutionexpand/1)

* [Read Full Constitution](https://law.lis.virginia.gov/constitutionfull)

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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 8. Criminal prosecutions.**

That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted 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.

**Section 8-A. Rights of victims of crime.**

* That in criminal prosecutions, the victim shall be accorded fairness, dignity and respect by the officers, employees and agents of the Commonwealth and its political subdivisions and officers of the courts and, as the General Assembly may define and provide by law, may be accorded rights to reasonable and appropriate notice, information, restitution, protection, and access to a meaningful role in the criminal justice process. These rights may include, but not be limited to, the following:
	+ 1. The right to protection from further harm or reprisal through the imposition of appropriate bail and conditions of release;
	+ 2. The right to be treated with respect, dignity and fairness at all stages of the criminal justice system;
	+ 3. The right to address the circuit court at the time sentence is imposed;
	+ 4. The right to receive timely notification of judicial proceedings;
	+ 5. The right to restitution;
	+ 6. The right to be advised of release from custody or escape of the offender, whether before or after disposition; and
	+ 7. The right to confer with the prosecution.

This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this Constitution, and does not create any cause of action for compensation or damages against the Commonwealth or any of its political subdivisions, any officer, employee or agent of the Commonwealth or any of its political subdivisions, or any officer of the court.

The amendment ratified November 5, 1996 and effective January 1, 1997—Added a new section (8-A).

**Section 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.

**Section 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.

**Section 11. Due process of law; obligation of contracts; taking or damaging 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; 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.

That the General Assembly shall pass no law whereby private property, the right to which is fundamental, shall be damaged or taken except for public use. No private property shall be damaged or taken for public use without just compensation to the owner thereof. No more private property may be taken than necessary to achieve the stated public use. Just compensation shall be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. The terms "lost profits" and "lost access" are to be defined by the General Assembly. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.

The amendment ratified November 6, 2012, and effective January 1, 2013—In the heading of the section, after "taking", added "or damaging". In paragraph one, after "contracts", deleted ", 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". Added a new paragraph after paragraph two.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 15-A. Marriage.**

That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions. This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage.

The amendment ratified November 7, 2006, and effective January 1, 2007—Added a new section (15-A).

**Section 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 nowise diminish, enlarge, or affect their civil capacities. And the General Assembly 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 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 instructor, and to make for his support such private contract as he shall please.

**Section 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.

**PREAMBLE**

      Since through Divine Providence we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and constant reliance upon God and seek diligently to promote, preserve and perpetuate good government in the state of West Virginia for the common welfare, freedom and security of ourselves and our posterity.

**ARTICLE I**

**1-1.  Relations to the government of the United States.**

     The state of West Virginia is, and shall remain, one of the United States of America.  The constitution of the United States of America, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.

**1-2.  Internal government and police.**

     The government of the United States is a government of enumerated powers, and all powers not delegated to it, nor inhibited to the states, are reserved to the states or to the people thereof.  Among the powers so reserved to the states is the exclusive regulation of their own internal government and police; and it is the high and solemn duty of the several departments of government, created by this constitution, to guard and protect the people of this state from all encroachments upon the rights so reserved.

**1-3.  Continuity of constitutional operation.**

     The provisions of the constitution of the United States, and of this state, are operative alike in a period 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.

**1-4.  Representatives to Congress.**

     For the election of representatives to Congress, the state shall be divided into districts, corresponding in number with the representatives to which it may be entitled; which districts shall be formed of contiguous counties, and be compact.  Each district shall contain, as nearly as may be, an equal number of population, to be determined according to the rule prescribed in the constitution of the United States.

**ARTICLE II**

**2-1.  The state.**

     The territory of the following counties, formerly parts of the commonwealth of Virginia, shall constitute and form the state of West Virginia, viz:

     The counties of Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming.  The state of West Virginia includes the bed, bank and shores of the Ohio River, and so much of the Big Sandy River as was formerly included in the commonwealth of Virginia; and all territorial rights and property in, and jurisdiction over, the same, heretofore reserved by, and vested in, the commonwealth of Virginia, are vested in and shall hereafter be exercised by the state of West Virginia.  And such parts of the said beds, banks and shores as lie opposite, and adjoining the several counties of this state, shall form parts of said several counties respectively.

**2-2.  Powers of government in citizens.**

     The powers of government reside in all the citizens of the state, and can be rightfully exercised only in accordance with their will and appointment.

**2-3.  Requisites of citizenship.**

     All persons residing in this state, born, or naturalized in the United States, and subject to the jurisdiction thereof, shall be citizens of this state.

**2-4.  Equal representation.**

     Every citizen shall be entitled to equal representation in the government, and, in all apportionments of representation, equality of numbers of those entitled thereto, shall as far as practicable, be preserved.

**2-5.  Provisions regarding property.**

     No distinction shall be made between resident aliens and citizens, as to the acquisition, tenure, disposition or descent of property.

**2-6.  Treason, what constitutes -- Penalty.**

     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.  Treason shall be punished according to the character of the acts committed, by the infliction of one, or more, of the penalties of death, imprisonment or fine, as may be prescribed by law.

**2-7.  "Montani Semper Liberi" -- State seal.**

     The present seal of the state, with its motto, "Montani Semper Liberi," shall be the great seal of the state of West Virginia, and shall be kept by the secretary of state, to be used by him officially, as directed by law.

**2-8.  Writs, commissions, official bonds -- Indictments.**

     Writs, grants and commissions, issued under the authority of this state, shall run in the name of, and official bonds shall be made payable to the state of West Virginia.  Indictments shall conclude, "Against the peace and dignity of the state."

**ARTICLE III**

**3-1.  Bill of 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.

**3-2.  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.

**3-3.  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.

**3-4.  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.

**3-5.  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 offence. No person shall be transported out of, or forced to leave the state for any offence 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 offence.

**3-6.  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.

**3-7.  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.

**3-8.  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.

**3-9.  Private property, how taken.**

     Private property shall not be taken or damaged for public use, without just compensation; nor shall the same be 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.

**3-10.  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.

**3-11.  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 offences, 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.

**3-12.  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 offence 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.

**3-13.  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 the rule of court or law.

**3-14.  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 offence 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 witnesses against him, and shall have the assistance of counsel, and a reasonable time to prepare for his defence; and there shall be awarded to him compulsory process for obtaining witnesses in his favor.

**3-15.  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.

**3-15a.  Voluntary contemplation, meditation or prayer in schools.**

     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 the 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.

**3-16.  Right of public assembly held inviolate.**

     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 inviolate.

**3-17.  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.

**3-18.  Conviction not to work corruption of blood or forfeiture.**

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

**3-19.  Hereditary emoluments, etc., provided against.**

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

**3-20.  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.

**3-21.  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 coroner's jurors.

**3-22.  Right to keep and bear arms.**

     A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use.

**ARTICLE IV**

**4-1.  Election and officers.**

     The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of the state and of the county in which he offers to vote, for thirty days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein.

**4-2.  Mode of voting by ballot.**

     In all elections by the people, the mode of voting shall be by ballot; but the voter shall be left free to vote by either open, sealed or secret ballot, as he may elect.

**4-3.  Voter not subject to arrest on civil process.**

     No voter, during the continuance of an election at which he is entitled to vote, or during the time necessary and convenient for going to and returning from the same, shall be subject to arrest upon civil process, or be compelled to attend any court, or judicial proceeding, as suitor, juror or witness; or to work upon the public roads; or, except in time of war or public danger, to render military service.

**4-4.  Persons entitled to hold office -- Age requirements.**

     No person, except citizens entitled to vote, shall be elected or appointed to any state, county or municipal office; but the governor and judges must have attained the age of thirty, and the attorney general and senators the age of twenty-five years, at the beginning of their respective terms of service; and must have been citizens of the state for five years next preceding their election or appointment, or be citizens at the time this constitution goes into operation.

**4-5.  Oath or affirmation to support the constitution.**

     Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the constitution of the United States and the constitution of this state, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment; and no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided.

**4-6.  Provisions for removal of officials.**

     All officers elected or appointed under this constitution, may, unless in cases herein otherwise provided for, be removed from office for official misconduct, incompetence, neglect of duty, or gross immorality, in such manner as may be prescribed by general laws, and unless so removed they shall continue to discharge the duties of their respective offices until their successors are elected, or appointed and qualified.

**4-7.  General elections, when held -- Terms of officials.**

     The general elections of state and county officers, and of members of the Legislature, shall be held on the Tuesday next after the first Monday in November, until otherwise provided by law.  The terms of such officers, not elected, or appointed to fill a vacancy, shall, unless herein otherwise provided, begin on the first day of January; and of the members of the Legislature, on the first day of December next succeeding their election.  Elections to fill vacancies, shall be for the unexpired term.  When vacancies occur prior to any general election, they shall be filled by appointments, in such manner as may be prescribed herein, or by general law, which appointments shall expire at such time after the next general election as the person so elected to fill such vacancy shall be qualified.

**4-8.  Further provisions regarding state's officers and agents.**

     The Legislature, in cases not provided for in this constitution, shall prescribe, by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed.

**4-9.  Impeachment of officials.**

     Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor.  The House of Delegates shall have the sole power of impeachment.  The Senate shall have the sole power to try impeachments and no person shall be convicted without the concurrence of two thirds of the members elected thereto.  When sitting as a court of impeachment, the president of the supreme court of appeals, or, if from any cause it be improper for him to act, then any other judge of that court, to be designated by it, shall preside; and the senators shall be on oath or affirmation, to do justice according to law and evidence.  Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under the state; but the party convicted shall be liable to indictment, trial, judgment, and punishment according to law.  The Senate may sit during the recess of the Legislature for the trial of impeachments.

**4-10.  Fighting of duels prohibited.**

     Any citizen of this state, who shall, after the adoption of this constitution, either in or out of the state, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second or knowingly aid or assist in such duel, shall, ever thereafter, be incapable of holding any office of honor, trust or profit in this state.

**4-11.  Safeguards for ballots.**

     The Legislature shall prescribe the manner of conducting and making returns of elections, and of determining contested elections; and shall pass such laws as may be necessary and proper to prevent intimidation, disorder or violence at the polls, and corruption or fraud in voting, counting the vote, ascertaining or declaring the result, or fraud in any manner upon the ballot.

**4-12.  Registration laws provided for.**

     The Legislature shall enact proper laws for the registration of all qualified voters in this state.

**ARTICLE V**

**5-1.  Division of powers.**

     The legislative, executive and judicial departments shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to the Legislature.

**Article I, Washington State Constitution**

|  |
| --- |
| [**Washington Constitution**](https://ballotpedia.org/Washington_State_Constitution) |
|  |
| **Articles** |
| I • [II](https://ballotpedia.org/Article_II%2C_Washington_State_Constitution) • [III](https://ballotpedia.org/Article_III%2C_Washington_State_Constitution) • [IV](https://ballotpedia.org/Article_IV%2C_Washington_State_Constitution) • [V](https://ballotpedia.org/Article_V%2C_Washington_State_Constitution) • [VI](https://ballotpedia.org/Article_VI%2C_Washington_State_Constitution) • [VII](https://ballotpedia.org/Article_VII%2C_Washington_State_Constitution) • [VIII](https://ballotpedia.org/Article_VIII%2C_Washington_State_Constitution) • [IX](https://ballotpedia.org/Article_IX%2C_Washington_State_Constitution) • [X](https://ballotpedia.org/Article_X%2C_Washington_State_Constitution) • [XI](https://ballotpedia.org/Article_XI%2C_Washington_State_Constitution) • [XII](https://ballotpedia.org/Article_XII%2C_Washington_State_Constitution) • [XIII](https://ballotpedia.org/Article_XIII%2C_Washington_State_Constitution) • [XIV](https://ballotpedia.org/Article_XIV%2C_Washington_State_Constitution) • [XV](https://ballotpedia.org/Article_XV%2C_Washington_State_Constitution) • [XVI](https://ballotpedia.org/Article_XVI%2C_Washington_State_Constitution) • [XVII](https://ballotpedia.org/Article_XVII%2C_Washington_State_Constitution) • [XVIII](https://ballotpedia.org/Article_XVIII%2C_Washington_State_Constitution) • [XIX](https://ballotpedia.org/Article_XIX%2C_Washington_State_Constitution) • [XX](https://ballotpedia.org/Article_XX%2C_Washington_State_Constitution) • [XXI](https://ballotpedia.org/Article_XXI%2C_Washington_State_Constitution) • [XXII](https://ballotpedia.org/Article_XXII%2C_Washington_State_Constitution) • [XXIII](https://ballotpedia.org/Article_XXIII%2C_Washington_State_Constitution) • [XXIV](https://ballotpedia.org/Article_XXIV%2C_Washington_State_Constitution) • [XXV](https://ballotpedia.org/Article_XXV%2C_Washington_State_Constitution) • [XXVI](https://ballotpedia.org/Article_XXVI%2C_Washington_State_Constitution) • [XXVII](https://ballotpedia.org/Article_XXVII%2C_Washington_State_Constitution) • [XXVIII](https://ballotpedia.org/Article_XXVIII%2C_Washington_State_Constitution) • [XXIX](https://ballotpedia.org/Article_XXIX%2C_Washington_State_Constitution) • [XXX](https://ballotpedia.org/Article_XXX%2C_Washington_State_Constitution) • [XXXI](https://ballotpedia.org/Article_XXXI%2C_Washington_State_Constitution) • [XXXII](https://ballotpedia.org/Article_XXXII%2C_Washington_State_Constitution) |
| [**Amendments**](https://ballotpedia.org/List_of_amendments_to_the_Washington_State_Constitution) |

**Article 1** of the [Washington State Constitution](https://ballotpedia.org/Washington_State_Constitution) is labeled **Declaration of Rights.** It includes 35 sections and has been amended [seven times](https://ballotpedia.org/Category%3AAmendments_to_Article_I_of_the_Washington_State_Constitution) since the current version of the [Washington State Constitution](https://ballotpedia.org/Washington_State_Constitution) was ratified on October 1, 1889.

Section 1

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 2

|  |
| --- |
|  |
|  | **Text of Section 2:****Supreme Law of the Land**The Constitution of the United States is the supreme law of the land.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 3

|  |
| --- |
|  |
|  | **Text of Section 3:****Personal Rights** No person shall be deprived of life, liberty, or property, without due process of law.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 4

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 5

|  |
| --- |
|  |
|  | **Text of Section 5:****Freedom of Speech**Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 6

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 7

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 8

|  |
| --- |
|  |
|  | **Text of Section 8:****Irrevocable Privilege, Franchise or Immunity Prohibited.**No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 9

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 10

|  |
| --- |
|  |
|  | **Text of Section 10:****Administration of Justice**Justice in all cases shall be administered openly, and without unnecessary delay.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 11

|  |
| --- |
|  |
|  | **Text of Section 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, or by a county's or public hospital district's hospital, health care facility, or hospice, 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

**Amendments**

* [Amendment 88, 1993 House Joint Resolution No. 4200](https://ballotpedia.org/Washington_Chaplains%2C_Amendment_88_%281993%29), which was approved on [November 2, 1993](https://ballotpedia.org/1993_ballot_measures#Washington).
* [Amendment 34, 1957 Senate Joint Resolution No. 14](https://ballotpedia.org/Washington_State_Employed_Chaplains%2C_SJR_14_%281958%29), p 1299, which was approved on [November 4, 1958](https://ballotpedia.org/1958_ballot_measures#Washington).

Amendment 34 (1957) - Art. 1 Section 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.

* [Amendment 4, 1903 p 283 Section 1](https://ballotpedia.org/Washington_Chaplains_for_State_Penal_and_Reformatory_Institutions%2C_Amendment_to_Article_I_Sec._11_%281904%29), which was approved in [November 1904](https://ballotpedia.org/1904_ballot_measures#Washington).

Amendment 4 (1904) - Art. 1 Section 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 the state penitentiary, and for such of the state reformatories 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.

**Original text**

|  |
| --- |
|  |
|  | **Original text of Section 11 of Article 1:**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. 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 12

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 13

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 14

|  |
| --- |
|  |
|  | **Text of Section 14:****Excessive Bail, Fines and Punishments.**Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 15

|  |
| --- |
|  |
|  | **Text of Section 15:****Convictions, Effect Of.**No conviction shall work corruption of blood, nor forfeiture of estate.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 16

|  |
| --- |
|  |
|  | **Text of Section 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 therefore 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

**Amendments**

* [State of Washington Constitutional Amendment 9](https://ballotpedia.org/Washington_Eminent_Domain%2C_Amendment_to_Article_I_Sec._16_%281920%29), which was approved in [November 1920](https://ballotpedia.org/1920_ballot_measures#Washington).

**Original text**

|  |
| --- |
|  |
|  | **Original text of Section 16 of Article 4:**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 first been 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 therefore be first made in money, or ascertained and paid into the 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 17

|  |
| --- |
|  |
|  | **Text of Section 17:****Imprisonment for Debt.**There shall be no imprisonment for debt, except in cases of absconding debtors.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 18

|  |
| --- |
|  |
|  | **Text of Section 18:****Military Power, Limitation Of.**The military shall be in strict subordination to the civil power.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 19

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 20

|  |
| --- |
|  |
|  | **Text of Section 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. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

**Amendments**

* Amended by [House Joint Resolution 4220](https://ballotpedia.org/Washington_Judge_Bail_Authority_Amendment%2C_HJR_4220_%282010%29) on November 2, 2010.

Section 21

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 22

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

**Amendments**

* [State of Washington Constitutional Amendment 10](https://ballotpedia.org/Washington_Trial_Locations_for_Public_Offenses%2C_Amendment_to_Article_I_Sec._22_%281922%29), approved in [November 1922](https://ballotpedia.org/1922_ballot_measures#Washington).

**Original text**

|  |
| --- |
|  |
|  | **Original text of Section 22 of Article I:**RIGHTS OF ACCUSED PERSONS - In criminal prosecution, 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 23

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 24

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 25

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 26

|  |
| --- |
|  |
|  | **Text of Section 26:****Grand Jury.**No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 27

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 28

|  |
| --- |
|  |
|  | **Text of Section 28:****Hereditary Privileges Abolished.**No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 29

|  |
| --- |
|  |
|  | **Text of Section 29:****Constitution Mandatory.**The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 30

|  |
| --- |
|  |
|  | **Text of Section 30:****Rights Reserved.**The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 31

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 32

|  |
| --- |
|  |
|  | **Text of Section 32:****Fundamental Principles.** A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

Section 33

|  |
| --- |
|  |
|  | **Text of Section 33:****Recall of Elective Officers.**Every elective public officer of the state of Washington expect [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 computed 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

**Amendments**

* [State of Washington Constitutional Amendment 8](https://ballotpedia.org/Washington_Recall_of_Elected_Officials%2C_Amendment_to_Article_I_Secs._33-34_%281912%29), approved in [November 1912](https://ballotpedia.org/1912_ballot_measures#Washington).

Section 34

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

**Amendments**

* [State of Washington Constitutional Amendment 8](https://ballotpedia.org/Washington_Recall_of_Elected_Officials%2C_Amendment_to_Article_I_Secs._33-34_%281912%29), approved in [November 1912](https://ballotpedia.org/1912_ballot_measures#Washington).

Section 35

|  |
| --- |
|  |
|  | **Text of Section 35:****Victims of Crimes - Rights.**Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.[[1]](https://ballotpedia.org/Article_I%2C_Washington_State_Constitution#cite_note-wa-1) |

**Amendments**

* [State of Washington Constitutional Amendment 84](https://ballotpedia.org/Washington_Rights_of_Crime_Victims_Amendment%2C_SJR_8200_%281989%29), approved on [November 7, 1989](https://ballotpedia.org/1989_ballot_measures#Washington).

**Article 1, Wyoming Constitution**

|  |
| --- |
| [**Wyoming Constitution**](https://ballotpedia.org/Wyoming_Constitution) |
|  |
| [**Preamble**](https://ballotpedia.org/Preamble%2C_Wyoming_Constitution) |
| **Articles** |
| 1 • [2](https://ballotpedia.org/Article_2%2C_Wyoming_Constitution) • [3](https://ballotpedia.org/Article_3%2C_Wyoming_Constitution) • [4](https://ballotpedia.org/Article_4%2C_Wyoming_Constitution) • [5](https://ballotpedia.org/Article_5%2C_Wyoming_Constitution) • [6](https://ballotpedia.org/Article_6%2C_Wyoming_Constitution) • [7](https://ballotpedia.org/Article_7%2C_Wyoming_Constitution) • [8](https://ballotpedia.org/Article_8%2C_Wyoming_Constitution) • [9](https://ballotpedia.org/Article_9%2C_Wyoming_Constitution) • [10](https://ballotpedia.org/Article_10%2C_Wyoming_Constitution) • [11](https://ballotpedia.org/Article_11%2C_Wyoming_Constitution) • [12](https://ballotpedia.org/Article_12%2C_Wyoming_Constitution) • [13](https://ballotpedia.org/Article_13%2C_Wyoming_Constitution) • [14](https://ballotpedia.org/Article_14%2C_Wyoming_Constitution) • [15](https://ballotpedia.org/Article_15%2C_Wyoming_Constitution) • [16](https://ballotpedia.org/Article_16%2C_Wyoming_Constitution) • [17](https://ballotpedia.org/Article_17%2C_Wyoming_Constitution) • [18](https://ballotpedia.org/Article_18%2C_Wyoming_Constitution) • [19](https://ballotpedia.org/Article_19%2C_Wyoming_Constitution) • [20](https://ballotpedia.org/Article_20%2C_Wyoming_Constitution) • [21](https://ballotpedia.org/Article_21%2C_Wyoming_Constitution) |

**Article 1** of the [Wyoming Constitution](https://ballotpedia.org/Wyoming_Constitution) is entitled **Declaration of Rights** and consists of 37 sections.

Section 1

|  |
| --- |
|  |
|  | **Text of Section 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 indefeasible right to alter, reform or abolish the government in such manner as they may think proper.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 2

|  |
| --- |
|  |
|  | **Text of Section 2:****Equality of All**In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 3

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 4

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 5

|  |
| --- |
|  |
|  | **Text of Section 5:****Imprisonment for Debt**No person shall be imprisoned for debt, except in cases of fraud.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 6

|  |
| --- |
|  |
|  | **Text of Section 6:****Due Process of Law**No person shall be deprived of life, liberty or property without due process of law.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 7

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 8

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 9

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

*This section was amended by a resolution adopted by the 1980 legislature, ratified by a vote of the people at the general election held on November 4, 1980, and proclaimed in effect on November 14, 1980.*

Section 10

|  |
| --- |
|  |
|  | **Text of Section 10:****Right of Accused to Defend**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, 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 delecti [delicti] is found, or in any county or district in which the victim was transported.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

*This section was amended by a resolution adopted by the 1975 legislature, ratified by a vote of the people at the general election held on November 2, 1976, and proclaimed in effect on November 23, 1976.*

Section 11

|  |
| --- |
|  |
|  | **Text of Section 11:****Self-Incrimination; Jeopardy**No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 12

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 13

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 14

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 15

|  |
| --- |
|  |
|  | **Text of Section 15:****Penal Code to Be Humane**The penal code shall be framed on the humane principles of reformation and prevention.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 16

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 17

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 18

|  |
| --- |
|  |
|  | **Text of Section 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 whatever; 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 19

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 20

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 21

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 22

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 23

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 24

|  |
| --- |
|  |
|  | **Text of Section 24:****Right to Bear Arms**The right of citizens to bear arms in defense of themselves and of the state shall not be denied.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 25

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 26

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 27

|  |
| --- |
|  |
|  | **Text of Section 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 untrammeled exercise of the right of suffrage.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 28

|  |
| --- |
|  |
|  | **Text of Section 28:****Taxation; Consent of People; Uniformity and Equality**No tax shall be imposed without the consent of the people or their authorized representatives.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

*This section was amended by a resolution adopted by the 1988 legislature, ratified by a vote of the people at the general election held on November 8, 1988, and proclaimed in effect on November 21, 1988.*

Section 29

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 30

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 31

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 32

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 33

|  |
| --- |
|  |
|  | **Text of Section 33:****Compensation for Property Taken**Private property shall not be taken or damaged for public or private use without just compensation.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 34

|  |
| --- |
|  |
|  | **Text of Section 34:****Uniform Operation of General Law**All laws of a general nature shall have a uniform operation.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 35

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 36

|  |
| --- |
|  |
|  | **Text of Section 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 37

|  |
| --- |
|  |
|  | **Text of Section 36:****Constitution of 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.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 38

|  |
| --- |
|  |
|  | **Text of Section 38:****Right of health care access**(a) Each competent adult shall have the right to make his or her own health care decisions. The parent, guardian or legal representative of any other natural person shall have the right to make health care decisions for that person.(b) Any person may pay, and a health care provider may accept, direct payment for health care without imposition of penalties or fines for doing so.(c) The legislature may determine reasonable and necessary restrictions on the rights granted under this section to protect the health and general welfare of the people or to accomplish the other purposes set forth in the Wyoming Constitution.(d) The state of Wyoming shall act to preserve these rights from undue governmental infringement.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |

Section 39

|  |
| --- |
|  |
|  | **Text of Section 39:****Opportunity to hunt, fish and trap**The opportunity to fish, hunt and trap wildlife is a heritage that shall forever be preserved to the individual citizens of the state, subject to regulation as prescribed by law, and does not create a right to trespass on private property, diminish other private rights or alter the duty of the state to manage wildlife.[[1]](https://ballotpedia.org/Article_1%2C_Wyoming_Constitution#cite_note-wy-1) |