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ALL 50 REPUBLICAN AMERICAN STATE CONSTITUTIONS BILL OF RIGHTS

SOURCE BALLOPEDIA

ALABAMA (AL) BILL OF RIGHTS

PREAMBLE:

We the people of the State of Alabama, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution

ARTICLE 1

Article I of the Alabama Constitution is entitled Declaration of Rights and consists of 36 sections.

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”

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.”

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.”

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.”

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.”

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.”

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.”

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.”

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.”

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.”

Text of Section 11:

Right to Trial by Jury

“That the right of trial by jury shall remain inviolate.”

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.”

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.”

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.”

Text of Section 15:

Excessive Fines; Cruel or Unusual Punishment

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

Text of Section 16:

Right to Bail; Excessive Bail

“That all persons shall, before conviction, beailable 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.”

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.”

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.”

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.”

Text of Section 20:

Imprisonment for Debts

“That no person shall be imprisoned for debt.”

Text of Section 21:

Suspension of Laws

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

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.”

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.”

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.”

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.”

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.”

Amendments

Amended by the approval of Alabama Right to Bear Arms, Amendment 3 (2014) on November 4, 2014.

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.”

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.”

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.”

Text of Section 30:

Immigration, Emigration and Exile

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

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.”

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.”

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.”

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.”

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.”

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.”

ALASKA (AK) BILL OF RIGHTS

PREAMBLE:

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 I

Article I of the Alaska Constitution is entitled Declaration of Rights. It has 25 sections, several of which include phrases borrowed from the Declaration of Independence and the United States Constitution. It has been amended 6 times, more than any other article of the Alaska Constitution. The original constitution, adopted by the Constitutional Convention and ratified by the People of Alaska in 1956, contained only 21 sections in Article I. Sections 22-25 have since been added

Text of Section 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.”

Text of Section 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.”

Text of Section 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.”

Text of Section 4:

Freedom of Religion

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

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.”

**Text of Section 6:
Assembly; Petition**

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

**Text of Section 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.”

**Text of Section 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.”

**Text of Section 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.”

**Text of Section 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.”

**Text of Section 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.”

**Text of Section 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.”

Amendments

The Rights of Crime Victims ballot question, approved by Alaskan voters in 1994, amended Section 12 and added Section 24 of Article I.

**Text of Section 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.”

**Text of Section 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.”

**Text of Section 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.”

**Text of Section 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.”

**Text of Section 17:
Imprisonment for Debt**

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

Text of Section 18:

Eminent Domain

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

Text of Section 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.”

Amendments

The Individual Right to Keep and Bear Arms Amendment, approved by Alaskan voters in 1994, appended this text to the original text of Section 19: The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.

Text of Section 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.”

Text of Section 21:

Construction

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

Text of Section 22:

Right of Privacy

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

Amendments

Article I, Section 22 became part of the Alaska Constitution in 1972 when the voters approved the Right of Privacy ballot question.

Text of Section 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.”

Amendments

The Resident Hiring Preference Amendment, approved by voters in 1988, added Section 23 to Article I of the Alaska Constitution.

Text of Section 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.”

Amendments

The Rights of Crime Victims ballot question, approved by Alaskan voters in 1994, amended Section 12 and added Section 24 of Article I.

Text of Section 25:

Marriage

“To be valid or recognized in this State, a marriage may exist only between one man and one woman.”

ARIZONA (AZ) BILL OF RIGHTS

PREMABLE:

“We the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution.”

ARTICLE II:

Article II of the Arizona Constitution is entitled Declaration of Rights and contains sections 1-37, including section 2.1, which describe the rights of both the citizens and state of Arizona.

Text of Section 1:

Fundamental Principles; Recurrence to

“A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.”

Text of Section 2:

Political Power; Purpose of Government

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

Text of Section 2.1:

Victims' Bill of Rights

“(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 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."

Amendment

Ratified in November 1990 via voter approval of Proposition 104.

Text of Section 3:

Supreme Law of the Land

"Supreme law of the land; authority to exercise sovereign authority against federal action; use of government personnel and financial resources.

A. The Constitution of the United States is the supreme law of the land to which all government, state and federal, is subject.

B. To protect the people's freedom and to preserve the checks and balances of the United States Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the constitution by doing any of the following:

1. Passing an initiative or referendum pursuant to Article IV, Part 1, Section 1.

2. Passing a bill pursuant to Article IV, Part 2 and Article V, Section 7.

3. Pursuing any other available legal remedy.

C. If the people or their representatives exercise their authority pursuant to this section, this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with the designated federal action or program."

Amendments

Amended by the approval of Arizona Rejection of Unconstitutional Federal Actions Amendment, Proposition 122 (2014) on November 4, 2014.

Text of Section 4:

Due Process of Law

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

Text of Section 5:

Right of Petition and of Assembly

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

Text of Section 6:

Freedom of Speech and Press

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

Text of Section 7:

Oaths and Affirmations

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

Text of Section 8:

Right to Privacy

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

Text of Section 9:

Irrevocable Grants of Privileges, Franchises or Immunities

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

Text of Section 10:

Self-Incrimination; Double Jeopardy

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

Text of Section 11:

Administration of Justice

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

Text of Section 12:

Liberty of Conscience; Appropriations for Religious Purposes Prohibited; Religious Freedom

“The liberty of conscience secured by the provisions of this constitution shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.”

Text of Section 13:

Equal Privileges and Immunities

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

Text of Section 14:

Habeas Corpus

“The privilege of the writ of habeas corpus shall not be suspended by the authorities of the state.”

Text of Section 15:

Excessive Bail; Cruel and Unusual Punishment

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

Text of Section 16:

Corruption of Blood; Forfeiture of Estate

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

Text of Section 17:

Eminent Domain; Just Compensation for Private Property Taken; Public Use as Judicial Question

“Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches, on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, paid into court for the owner, secured by bond as may be fixed by the court, or paid into the state treasury for the owner on such terms and conditions as the legislature may provide, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation 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.”

Text of Section 18:

Imprisonment for Debt

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

Text of Section 19:

Bribery or Illegal Rebating; Witnesses; Self-Incrimination No Defense

“Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with bribery or illegal rebating, shall not be excused from giving testimony or producing evidence, when legally called upon to do so, on the ground that it may tend to incriminate him under the laws of the state; but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify or produce evidence.”

Text of Section 20:

Military Power Subordinate to Civil Power

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

Text of Section 21:

Free and Equal Elections

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

Text of Section 22:

Bailable Offenses

“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.”

Amendments

Ratified on November 5, 2002 via voter approval of Proposition 103.

Ratified on November 7, 2006 via voter approval of Proposition 100.

Text of Section 23:

Trial by Jury; Number of Jurors Specified by Law

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

Text of Section 24:

Rights of Accused in Criminal Prosecutions

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

Text of Section 25:

Bills of Attainder; Ex Post Facto Laws; Impairment of Contract Obligations

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

Text of Section 26:

Bearing Arms

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

Text of Section 27:

Standing Army; Quartering Soldiers

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

Text of Section 28:

Treason

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

Text of Section 29:

Hereditary Emoluments, Privileges or Powers; Perpetuities or Entailments

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

Text of Section 30:

Indictment or Information; Preliminary Examination

“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.”

Text of Section 31:

Damages for Death or Personal Injuries

“No law shall be enacted in this state limiting the amount of damages to be recovered for causing the death or injury of any person, except that a crime victim is not subject to a claim for damages by a person who is harmed while the person is attempting to engage in, engaging in or fleeing after having engaged in or attempted to engage in conduct that is classified as a felony offense.”

Amendment

Ratified on November 6, 2012 via voter approval of Proposition 114.

Text of Section 32:

Constitutional Provisions Mandatory

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

Text of Section 33:

Reservation of Rights

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

Text of Section 34:

Industrial Pursuits by State and Municipal Corporations

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

Text of Section 35:

Actions by Illegal Aliens Prohibited

“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.”

Amendment

Ratified on November 7, 2006 via voter approval of Proposition 102.

Text of Section 36:

Preferential treatment or discrimination prohibited; exceptions; definition

“A. This state shall not grant preferential treatment to or discriminate against any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting.

B. This section does not:

1. Prohibit bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education or public contracting.
2. Prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal monies to this state.
3. Invalidate any court order or consent decree that is in force as of the effective date of this section.

C. The remedies available for a violation of this section are the same, regardless of the injured party's race, sex, color, ethnicity or national origin, as are otherwise available for a violation of the existing antidiscrimination laws of this state.

D. This section applies only to actions that are taken after the effective date of this section.

E. This section is self-executing.

F. For the purposes of this section, "state" includes this state, a city, town or county, a public university, including the university of Arizona, Arizona state university and northern Arizona university, a community college district, a school district, a special district or any other political subdivision in this state.”

Amendment

Ratified on November 2, 2010, via voter approval of Proposition 107.

Text of Section 37:

Right to secret ballot; employee representation

“The right to vote by secret ballot for employee representation is fundamental and shall be guaranteed where local, state or federal law permits or requires elections, designations or authorizations for employee representation.”

Amendment

Ratified on November 2, 2010, via voter approval of Proposition 113.

ARKANSAS (AR) BILL OF RIGHTS

PREAMBLE:

We, the People of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government; for our civil and religious liberty; and desiring to perpetuate its blessings, and secure the same to our selves and posterity; do ordain and establish this Constitution.[1]

ARTICLE II:

Article 2 of the Arkansas Constitution is entitled Declaration of Rights. It has 29 sections detailing the rights of its citizens. It has only been amended one time.

Text of Section 1:

Source of Power

All political power is inherent in the people and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same, in such manner as they may think proper.[1]

Text of Section 2:

Freedom and Independence

All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property, and reputation; and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.[2]

Text of Section 3:

Equality Before the Law

The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity; nor exempted from any burden or duty, on account of race, color or previous condition.[3]

Text of Section 4:

Right of Assembly and of Petition

The right of the people peaceably to assemble, to consult for the common good; and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.[4]

Text of Section 5:

Right to Bear Arms

The citizens of this State shall have the right to keep and bear arms, for their common defense.[5]

Text of Section 6:**Liberty of the Press and of Speech - Libel**

The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions, is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel, the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.[6]

Text of Section 7:**Jury Trial - Right to - Waiver - Civil Cases - Nine Jurors Agreeing**

The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law; and in all jury trials in civil cases, where as many as nine of the jurors agree upon a verdict, the verdict so agreed upon shall be returned as the verdict of such jury, provided, however, that where a verdict is returned by less than twelve jurors all the jurors consenting to such verdict shall sign the same.[7]

Amendments**Constitutional Amendment 16, which was added on November 6, 1928[8]****Text of Section 8:****Criminal Charges - Self-Incrimination - Due Process - Double Jeopardy - Bail**

No person shall be held to answer a criminal charge unless on the presentment or indictment of a grand jury, except in cases of impeachment or cases such as the General Assembly shall make cognizable by justices of the peace, and courts of similar jurisdiction; or cases arising in the army and navy of the United States; or in the militia, when in actual service in time of war or public danger; and no person, for the same offense, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial, at the same or the next term of said court; nor shall any person be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.[9]

Text of Section 9:**Excessive Bail or Punishment Prohibited - Witnesses - Detention**

Excessive bail shall not be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted; nor witnesses be unreasonably detained.[10]

Text of Section 10:

Right of Accused Enumerated - Change of Venue

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed; provided, that the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such manner as now is, or may be prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be heard by himself and his counsel.[11]

Text of Section 11:

Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended; except by the General Assembly, in case of rebellion, insurrection or invasion, when the public safety may require it.[12]

Text of Section 12:

Suspension of Laws

No power of suspending or setting aside the law or laws of the State, shall ever be exercised, except by the General Assembly.[13]

Text of Section 13:

Redress of Wrongs

Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the laws.[14]

Text of Section 14:

Treason

Treason against the State shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.[15]

Text of Section 15:

Unreasonable Searches and Seizures

The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.[16]

Text of Section 16:

Imprisonment for Debt

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud. [17]

Text of Section 17:

Attainder - Ex Post Facto Laws

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.[18]

Text of Section 18:

Privileges and Immunities - Equality

The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.[19]

Text of Section 19:

Perpetuities and Monopolies

Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges or honors ever be granted or conferred in this State.[20]

Text of Section 20:

Resident Aliens - Descent of Property

No distinction shall ever be made by law, between resident aliens and citizens, in regard to the possession, enjoyment or descent of property.[21]

Text of Section 21:

Life, Liberty and Property - Banishment Prohibited

No person shall be taken, or imprisoned, or disseized of his estate, freehold, liberties or privileges; or outlawed, or in any manner destroyed, or deprived of his life, liberty or property; except by the judgment of his peers, or the law of the land; nor shall any person, under any circumstances, be exiled from the State.[22]

Text of Section 22:

Life, Liberty and Property - Property Rights - Taking Without Just Compensation Prohibited

The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefore.[23]

Text of Section 23:

Eminent Domain and Taxation

The State's ancient right of eminent domain and of taxation, is herein fully and expressly conceded; and the General Assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance and well being, but no further.[24]

Text of Section 24:

Religious Liberty

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship; or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship, above any other.[25]

Text of Section 25:

Protection of Religion

Religion, morality and knowledge being essential to good government, the General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.[26]

Text of Section 26:

Religious Tests

No religious test shall ever be required of any person as a qualification to vote or hold office; nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.[27]

Text of Section 27:

Slavery - Standing Armies - Military Subordinate to Civil Power

There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall, at all times, be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law.[28]

Text of Section 28:

Tenure of Lands

All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.[29]

Text of Section 29:

Enumeration of Rights of People Not Exclusive of Other Rights - Protection Against Encroachment

This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government; and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.[30]

CALIFORNIA (CA) BILL 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." [2]

ARTICLE I:

Article I of the California Constitution is entitled the Declaration of Rights. It has 33 sections consisting of 1-31, 7.5, and 14.1. [1] The original version of Article I, as approved in the constitution of 1879 and prior to any amendments, had only 24 sections. [1]

Text of Section 1:

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. [1]

Text of Section 1.1:

The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives. This section is intended to further the constitutional right to privacy guaranteed by Section 1, and the constitutional right to not be denied equal protection guaranteed by Section 7. Nothing herein narrows or limits the right to privacy or equal protection

Amendments

Section 1.1 was added with the approval of Proposition 1 on November 8, 2022

Text of Section 2:

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

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

Nor shall a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured

while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

As used in this subdivision, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.[1]

Amendments

Approved:

Proposition 5 (1980)

Text of Section 3:

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

(b)

(1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

(5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

(6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

(7) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of this section.[1]

Amendments

Approved:

California Proposition 59, the "Sunshine Amendment" (2004)

California Proposition 42, Public Access to Local Government Records Amendment (June 2014)

Text of Section 4:

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

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.[1]

Text of Section 5:

The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.[1]

Text of Section 6:

Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.[1]

Text of Section 7:

(a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with

respect to the use of pupil school assignment or pupil transportation. In enforcing this subdivision or any other provision of this Constitution, no court of this State may impose upon the State of California or any public entity, board, or official any obligation or responsibility with respect to the use of pupil school assignment or pupil transportation,

(1) except to remedy a specific violation by such party that would also constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution, and

(2) unless a federal court would be permitted under federal decisional law to impose that obligation or responsibility upon such party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

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

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

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

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

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.[1]

Text of Section 7.5:

Only marriage between a man and a woman is valid or recognized in California.[1]

Amendments

Section 7.5 was added to the constitution via California Proposition 8 (2008). A federal lawsuit, Perry v. Schwarzenegger, seeks to have the federal courts overturn Section 7.5.

Text of Section 8:

A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin.[1]

Text of Section 9:

A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.[1]

Text of Section 10:

Witnesses may not be unreasonably detained. A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine.[1]

Text of Section 11:

Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion.[1]

Text of Section 12:

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

- (a) Capital crimes when the facts are evident or the presumption great;
- (b) Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or
- (c) Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.

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

A person may be released on his or her own recognizance in the court's discretion.[1]

Amendments

Approved:

Proposition 4 (1982)

Proposition 189 (1994)

Text of Section 13:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.[1]

Text of Section 14:

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

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

A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.[1]

Text of Section 14.1:

If a felony is prosecuted by indictment, there shall be no postindictment preliminary hearing.[1]

Amendments

Section 14.1 was added via California Proposition 115 (1990)

Text of Section 15:

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

Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law.[1]

Text of Section 16:

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

In civil causes the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court. In civil causes other than causes within the appellate jurisdiction of the court of appeal the Legislature may provide that the jury shall consist of eight persons or a lesser number agreed on by the parties in open court.

In criminal actions in which a felony is charged, the jury shall consist of 12 persons. In criminal actions in which a misdemeanor is charged, the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court.[1]

Amendments

Approved:

Proposition 220 (1998)

Text of Section 17:

Cruel or unusual punishment may not be inflicted or excessive fines imposed.[1]

Text of Section 18:

Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court.[1]

Text of Section 19:

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

(b) The State and local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person.

(c) Subdivision (b) of this section does not apply when State or local government exercises the power of eminent domain for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; or remedying environmental contamination that poses a threat to public health and safety.

(d) Subdivision (b) of this section does not apply when State or local government exercises the power of eminent domain for the purpose of acquiring private property for a public work or improvement.

(e) For the purpose of this section:

1. "Conveyance" means a transfer of real property whether by sale, lease, gift, franchise, or otherwise.
2. "Local government" means any city, including a charter city, county, city and county, school district, special district, authority, regional entity, redevelopment agency, or any other political subdivision within the State.
3. "Owner-occupied residence" means real property that is improved with a single-family residence such as a detached home, condominium, or townhouse and that is the owner or owners' principal place of residence for at least one year prior to the State or local government's initial written offer to purchase the property. Owner-occupied residence also includes a residential dwelling unit attached to or detached from such a single-family residence which provides complete independent living facilities for one or more persons.
4. "Person" means any individual or association, or any business entity, including, but not limited to, a partnership, corporation, or limited liability company.
5. "Public work or improvement" means facilities or infrastructure for the delivery of public services such as education, police, fire protection, parks, recreation, emergency medical, public health, libraries, flood protection, streets or highways, public transit, railroad, airports and seaports; utility, common carrier or other similar projects such as energy-related, communication-related, water-related and wastewater-related facilities or infrastructure; projects identified by a State or local government for recovery from natural disasters; and private uses incidental to, or necessary for, the public work or improvement.
6. "State" means the State of California and any of its agencies or departments.[1]

Amendments

Approved:

Proposition 99 (2008)

Defeated:

Proposition 90 (2006)

Proposition 98 (2006)

Text of Section 20:

Noncitizens have the same property rights as citizens.[1]

Text of Section 21:

Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.[1]

Text of Section 22:

The right to vote or hold office may not be conditioned by a property qualification.[1]

Text of Section 23:

One or more grand juries shall be drawn and summoned at least once a year in each county.[1]

Text of Section 24:

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

In criminal cases the rights of a defendant to equal protection of the laws, to due process of law, to the assistance of counsel, to be personally present with counsel, to a speedy and public trial, to compel the attendance of witnesses, to confront the witnesses against him or her, to be free from unreasonable searches and seizures, to privacy, to not be compelled to be a witness against himself or herself, to not be placed twice in jeopardy for the same offense, and to not suffer the imposition of cruel or unusual punishment, shall be construed by the courts of this State in a manner consistent with the Constitution of the United States. This Constitution shall not be construed by the courts to afford greater rights to criminal defendants than those afforded by the Constitution of the United States, nor shall it be construed to afford greater rights to minors in juvenile proceedings on criminal causes than those afforded by the Constitution of the United States.

This declaration of rights may not be construed to impair or deny others retained by the people.[1]

Amendments

Section 24 was amended by California Proposition 115 (1990)

Text of Section 25:

The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.[1]

Text of Section 26:

The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.[1]

Text of Section 27:

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

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

Amendments

Section 27 was added to the constitution via California Proposition 17 (1972).

Text of Section 28:

(a) The People of the State of California find and declare all of the following:

(1) Criminal activity has a serious impact on the citizens of California. The rights of victims of crime and their families in criminal prosecutions are a subject of grave statewide concern.

(2) Victims of crime are entitled to have the criminal justice system view criminal acts as serious threats to the safety and welfare of the people of California. The enactment of comprehensive provisions and laws ensuring a bill of rights for victims of crime, including safeguards in the criminal justice system fully protecting those rights and ensuring that crime victims are treated with respect and dignity, is a matter of high public importance. California's victims of crime are largely dependent upon the proper functioning of government, upon the criminal justice system and upon the expeditious enforcement of the rights of victims of crime described herein, in order to protect the public safety and to secure justice when the public safety has been compromised by criminal activity.

(3) The rights of victims pervade the criminal justice system. These rights include personally held and enforceable rights described in paragraphs (1) through (17) of subdivision (b).

(4) The rights of victims also include broader shared collective rights that are held in common with all of the People of the State of California and that are enforceable through the enactment of laws and through good-faith efforts and actions of California's elected, appointed, and publicly employed officials. These rights encompass the expectation shared with all of the people of California that persons who commit felonious acts causing injury to innocent victims will be appropriately and thoroughly investigated, appropriately detained in custody, brought before the courts of California even if arrested outside the State, tried by the courts in a timely manner, sentenced, and sufficiently punished so that the public safety is protected and encouraged as a goal of highest importance.

(5) Victims of crime have a collectively shared right to expect that persons convicted of committing criminal acts are sufficiently punished in both the manner and the length of the sentences imposed by the courts of the State of California. This right includes the right to expect that the punitive and deterrent effect of custodial sentences imposed by the courts will not be undercut or diminished by the granting of rights and privileges to prisoners that are not required by any provision of the United States Constitution or by the laws of this State to be granted to any person incarcerated in a penal or other custodial facility in this State as a punishment or correction for the commission of a crime.

(6) Victims of crime are entitled to finality in their criminal cases. Lengthy appeals and other post-judgment proceedings that challenge criminal convictions, frequent and difficult parole hearings that threaten to release criminal offenders, and the ongoing threat that the sentences of criminal wrongdoers will be reduced, prolong the suffering of crime victims for many years after the crimes themselves have been perpetrated. This prolonged suffering of crime victims and their families must come to an end.

(7) Finally, the People find and declare that the right to public safety extends to public and private primary, elementary, junior high, and senior high school, and community college, California State University, University of California, and private college and university campuses, where students and staff have the right to be safe and secure in their persons.

(8) To accomplish the goals it is necessary that the laws of California relating to the criminal justice process be amended in order to protect the legitimate rights of victims of crime.

(b) In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

(1) 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.

(2) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(3) To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.

(4) To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

(5) To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(6) To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

(7) 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 post-conviction release proceedings, and to be present at all such proceedings.

(8) To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

(9) To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

(10) To provide information to a probation department official conducting a pre-sentence 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.

(11) To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

(12) 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.

(13) To restitution.

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

(14) To the prompt return of property when no longer needed as evidence.

(15) To be informed of all parole procedures, to participate in the parole process, to 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.

(16) To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

(17) To be informed of the rights enumerated in paragraphs (1) through (16).

(c) (1) A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the rights enumerated in subdivision (b) in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.

(2) This section does not create any cause of action for compensation or 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.

(d) The granting of these rights to victims shall not be construed to deny or disparage other rights possessed by victims. The court in its discretion may extend the right to be heard at sentencing to any person harmed by the defendant. The parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

(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. The term "victim" also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term "victim" does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.

(f) In addition to the enumerated rights provided in subdivision (b) that are personally enforceable by victims as provided in subdivision (c), victims of crime have additional rights that are shared with all of the People of the State of California. These collectively held rights include, but are not limited to, the following:

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

(2) Right to Truth-in-Evidence. Except as provided by statute hereafter enacted by a two-thirds vote of the membership in each house of the Legislature, relevant evidence shall not be excluded in any criminal proceeding, including pretrial and postconviction motions and hearings, or in any trial or hearing of a juvenile for a criminal offense, whether heard in juvenile or adult court. Nothing in this section shall affect any existing statutory rule of evidence relating to privilege or hearsay, or Evidence Code Sections 352, 782 or 1103. Nothing in this section shall affect any existing statutory or constitutional right of the press.

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

A person may be released on his or her own recognizance in the court's discretion, subject to the same factors considered in setting bail.

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

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

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

(5) Truth in Sentencing. Sentences that are individually imposed upon convicted criminal wrongdoers based upon the facts and circumstances surrounding their cases shall be carried out in compliance with the courts' sentencing orders, and shall not be substantially diminished by early release policies intended to alleviate overcrowding in custodial facilities. The legislative branch shall ensure sufficient funding to adequately house inmates for the full terms of their sentences, except for statutorily authorized credits which reduce those sentences.

(6) Reform of the parole process. The current process for parole hearings is excessive, especially in cases in which the defendant has been convicted of murder. The parole hearing process must be reformed for the benefit of crime victims.

(g) As used in this article, the term "serious felony" is any crime defined in subdivision (c) of Section 1192.7 of the Penal Code, or any successor statute.[1]

Amendments

Approved:

Proposition 9 (2008)

Text of Section 29:

In a criminal case, the people of the State of California have the right to due process of law and to a speedy and public trial.[1]

Amendments

Section 29 was added via California Proposition 115 (1990)

Text of Section 30:

(a) This Constitution shall not be construed by the courts to prohibit the joining of criminal cases as prescribed by the Legislature or by the people through the initiative process.

(b) In order to protect victims and witnesses in criminal cases, hearsay evidence shall be admissible at preliminary hearings, as prescribed by the Legislature or by the people through the initiative process.

(c) In order to provide for fair and speedy trials, discovery in criminal cases shall be reciprocal in nature, as prescribed by the Legislature or by the people through the initiative process.[1]

Amendments

Section 30 was added via California Proposition 115 (1990)

Text of Section 31:

(a) The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(b) This section shall apply only to action taken after the section's effective date.

(c) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(d) Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.

(e) Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.

(f) For the purposes of this section, "State" shall include, but not necessarily be limited to, the State itself, any city, county, city and county, public university system, including the

University of California, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State.

(g) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing California antidiscrimination law.

(h) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.[1]

Amendments

Approved:

Proposition 209 (1996)

Defeated:

Proposition 165 (1992)

Text of Section 32:

(a) The following provisions are hereby enacted to enhance public safety, improve rehabilitation, and avoid the release of prisoners by federal court order, notwithstanding anything in this article or any other provision of law:

(1) Parole Consideration: Any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense.

(A) For purposes of this section only, the full term for the primary offense means the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.

(2) Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.

(b) The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.[1]

Amendments

Added on November 8, 2016, via voter approval of Proposition 57

COLORADO (CO) BILL OF RIGHTS

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 tranquility; 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." [2]

ARTICLE II:

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 tranquility; 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." [2]

Text of 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. [1]

Text of 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. [1]

Text of 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. [1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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 the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Colorado Referendum A (1992), which was approved on November 3, 1992.

Text of 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.[1]

Text of 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.[1]

Text of 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.)
- (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.

(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.[1]

Amendments

Colorado Amendment 2 (1982), which was approved on November 2, 1982.

Colorado Referendum C (1994), which was approved on November 8, 1994.

Text of Section 20:

Excessive Bail, Fines or Punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Colorado Amendment 1 (1944), which was approved on November 7, 1944.

Text of 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.[1]

Text of Section 25:

Due Process of Law

No person shall be deprived of life, liberty or property, without due process of law.[1]

Text of Section 26:

Slavery Prohibited

There shall never be in this state either slavery or involuntary servitude.[1]

Amendments

Amended via voter approval of Amendment A on November 6, 2018.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Referendum 3 was approved on November 7, 1972.

Text of 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.[1]

Amendments

Colorado Amendment 3 (1980), which was approved on November 4, 1980.

Text of 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.[1]

Amendments

Colorado Issue 1, English as the Official Language of the State (1988), which was approved on November 8, 1988.

Section 30b

[Declared to violate the United States Constitution by the United States Supreme Court in 1996. Not in force.]

Text of 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 respects self -executing.[1]

Amendments

Initiative 2 (1992), which was approved on November 3, 1992.

Text of 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.[1]

Amendments

Initiative 43 (2006), which was approved on November 7, 2006.

CONNECTICUT (CT) BILL OF RIGHTS

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." [2]

ARTICLE I:

Article I of the Connecticut Constitution is entitled Declaration of Rights. It has a preamble and 20 sections.

Text of Section 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. [1]

Text of Section 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. [1]

Text of Section 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. [1]

Text of Section 4:

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

Text of Section 5:

No law shall ever be passed to curtail or restrain the liberty of speech or of the press. [1]

Text of Section 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. [1]

Text of Section 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.[1]

Text of Section 8:

a. 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 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 upon probable cause shown at a hearing in accordance with procedures prescribed by law, except in the armed forces, or in the militia when in actual service in time of war or public danger.

b. In all criminal prosecutions, a victim, as the general assembly may define by law, shall have the following rights: (1) the right to be treated with fairness and respect throughout the criminal justice process; (2) the right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged; (3) the right to be reasonably protected from the accused throughout the criminal justice process; (4) the right to notification of court proceedings; (5) the right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony; (6) the right to communicate with the prosecution; (7) the right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused; (8) the right to make a statement to the court at sentencing; (9) the right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and (10) the right to information about the arrest, conviction, sentence, imprisonment and release of the accused. The general assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.[1]

Amendments

Section 8 has been amended twice. The first of these was in 1982, and replaced the original text of Section 8 with what is now subsection a. The second, called the Victims' Rights Act, was approved by Connecticut voters in 1996, and added the text under subsection b.[1]

Original text

Original Text:

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.

Text of Section 9:

No person shall be arrested, detained or punished, except in cases clearly warranted by law.[1]

Text of Section 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.[1]

Text of Section 11:

The property of no person shall be taken for public use, without just compensation therefore.[1]

Text of Section 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.[1]

Text of Section 13:

No person shall be attainted of treason or felony, by the legislature.[1]

Text of Section 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.[1]

Text of Section 15:

Every citizen has a right to bear arms in defense of himself and the state.[1]

Text of Section 16:

The military shall, in all cases, and at all times, be in strict subordination to the civil power.[1]

Text of Section 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.[1]

Text of Section 18:

No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.[1]

Text of Section 19:

The right of trial by jury shall remain inviolate, the number of such jurors, which shall not be less than six, to be established by law; but no person shall, for a capital offense, be tried by a jury of less than twelve jurors without his consent. In all civil and criminal actions tried by a jury, the parties shall have the right to challenge jurors peremptorily, the number of such challenges to be established by law. The right to question each juror individually by counsel shall be inviolate.[1]

Amendments

Section 19 was amended in 1972.[1]

Original text**Original Text:**

The right of trial by jury shall remain inviolate.

Text of Section 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 or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.[1]

Amendments

Section 20 has been amended twice: first in 1974, to forbid gender discrimination; again, in 1984, to forbid discrimination against the physically or mentally handicapped.[1]

DELAWARE (DE) BILL OF RIGHTS

PREAMBLE:

Through Divine goodness, all men have by nature the rights of worshiping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of obtaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their Constitution of government.[4]

ARTICLE I:

Article I of the Delaware Constitution is entitled Bill of Rights and covers the basic rights granted to the citizens of Delaware

Text of Section 1:

Freedom of Religion

Although it is the duty of all men frequently to assemble together for the public worship of Almighty God; and piety and morality, on which the prosperity of communities depends, are hereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.[1]

Text of Section 2:

Religious Test for Office not Required

No religious test shall be required as a qualification to any office, or public trust, under this State.[1]

Text of Section 3:

Free and Equal Elections

All elections shall be free and equal.[1]

Text of Section 4:

Trial by Jury; Composition of Grand Juries; Concurrence in Indictment

Trial by jury shall be as heretofore.[1]

Text of Section 5:

Freedom of press and speech; evidence in libel prosecutions; jury questions

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.[1]

Text of Section 6:

Searches and Seizures

The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.[1]

Text of Section 7:

Procedural Rights in Criminal Prosecutions; Jury Trial; Self-incrimination; Deprivation of Life, Liberty or Property

In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or council, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself, nor shall he be deprived of life, liberty or property, unless by the judgment of his peers or by the law of the land.[1]

Text of Section 8:

Prosecution by Indictment or Information; Double Jeopardy; Just Compensation for Property

No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offense twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.[1]

Text of Section 9:

Courts Shall Be Open; Remedy for Injury; Venue; Suits Against State

All courts shall be open; and every man for an injury done him in his reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of the cause and the law of the land, without sale, denial, or unreasonable delay or expense. Suits may be brought against the State, according to such regulations as shall be made by law.[1]

Text of Section 10:

Suspension of Laws by General Assembly

No power of suspending laws shall be exercised but by authority of the General Assembly.[1]

Text of Section 11:

Excessive Bail or Fines; Cruel Punishments; Health of Prisoners

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the construction of jails a proper regard shall be had to the health of prisoners.[1]

Text of Section 12:

Right to Bail; Access to Accused

All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is positive or the presumption great; and when persons are confined on accusation for such offenses their friends and counsel may at proper seasons have access to them.[1]

Text of Section 13:

Suspension of Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.[1]

Text of Section 14:

Commission of Oyer and Terminer, or Jail Delivery

No commission of oyer and terminer, or jail delivery, shall be issued.[1]

Text of Section 15:

Corruption of Blood; Forfeiture; Descent of Suicide's Estate

No attainder shall work corruption of blood, nor except during the life of the offender forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident no forfeiture shall thereby be incurred.[1]

Text of Section 16:

Right of Assembly; Petition for Redress of Grievances

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 entrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.[1]

Text of Section 17:

Standing Army; Necessity for Legislative Consent; Subordination of Military

No standing army shall be kept without the consent of the General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.[1]

Text of Section 18:

Prohibition Against Quartering Soldiers in Home

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in manner to be prescribed by law.[1]

Text of Section 19:

Hereditary Distinctions; Holding Office during Good Behavior; Offices and Titles from Foreign States

No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this State shall accept of any office or title of any kind whatever from any king, prince, or foreign State.[1]

Text of Section 20:

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 hunting and recreational use. (4-16-87)[1]

Text of Section 21:

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

Annotation: Section 21 was added in 2019 by House Bill 1.[2]

Amended in 2021 with the approval of Senate Bill 31.[3]

FLORIDA (FL) BILL OF RIGHTS

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.[1]

ARTICLE I:

Article I of the Florida Constitution is entitled Declaration of Rights It has 27 sections.

Text of 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.[1]

Text of 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.[1]

Amendments

History.--Am. S.J.R. 917, 1974; adopted 1974 (Florida Disability Discrimination Prohibition, Amendment 7 (1974)); Am. proposed by Constitution Revision Commission, Revision No. 9, 1998, filed with the Secretary of State May 5, 1998; adopted 1998 (Florida Basic Rights, Amendment 9 (1998)).

Amended via voter approval of Florida Amendment 11, Repeal Prohibition on Aliens' Property Ownership, Delete Obsolete Provision on High-Speed Rail, and Repeal of Criminal Statutes' Effect on Prosecution Amendment (2018) on November 6, 2018.

Text of 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.[1]

Text of 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.[1]

Amendments

History.--Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998 (Florida Miscellaneous Matters and Technical Revisions, Amendment 13 (1998)).

Text of 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.[1]

Text of 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.[1]

Text of Section 7:

Military Power

The military power shall be subordinate to the civil.[1]

Text of 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.[1]

Amendments

History.--Am. C.S. for S.J.R. 43, 1989; adopted 1990 (Florida Waiting Period for Handgun Purchases, Amendment 2 (1990)).

Text of 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.[1]

Amendments

History.--Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998 (Florida Miscellaneous Matters and Technical Revisions, Amendment 13 (1998)).

Text of Section 10:

Prohibited Laws

No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.[1]

Text of Section 11:

Imprisonment for Debt

No person shall be imprisoned for debt, except in cases of fraud.[1]

Text of 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.[1]

Amendments

History.--Am. H.J.R. 31-H, 1982; adopted 1982 (Florida Searches and Seizures, Amendment 2 (1982)).

Text of 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.[1]

Text of 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.[1]

Amendments

History.--Am. H.J.R. 43-H, 1982; adopted 1982 (Florida Pretrial Release and Detention, Amendment 3 (1982)).

Text of 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.[1]

Text of 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 at 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 five years 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 other means that is 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 these 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.[1]

Amendments

History.--Am. S.J.R. 135, 1987; adopted 1988 (Florida Rights of Victims of Crime, Amendment 2 (1988)); Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998 (Florida Miscellaneous Matters and Technical Revisions, Amendment 13 (1998)). Amended via voter approval of Florida Amendment 6, Marsy's Law Crime Victims Rights, Judicial Retirement Age, and Judicial Interpretation of Laws and Rules Amendment (2018) on November 6, 2018.

Text of 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.[1]

Amendments

History.--Am. H.J.R. 3505, 1998; adopted 1998; Am. H.J.R. 951, 2001; adopted 2002 (Florida Death Penalty, Amendment 1 (2002)).

Text of 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.[1]

Amendments

History.--Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998 (Florida Miscellaneous Matters and Technical Revisions, Amendment 13 (1998)).

Text of Section 19:**Costs**

No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

History.--Added, C.S. for H.J.R. 387, 1980 (Florida Amendment 2, Constitutional Right of Privacy Measure (1980)); adopted 1980; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998 (Florida Miscellaneous Matters and Technical Revisions, Amendment 13 (1998)).

Section 24

Text of 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.[1]

Amendments

History.--Added, C.S. for C.S. for H.J.R.'s 1727, 863, 2035, 1992; adopted 1992 (Florida Access to Public Records and Meetings, Amendment 2 (1992)); Am. S.J.R. 1284, 2002; adopted 2002 (Florida Two-Thirds Vote for Public Access Exemptions, Amendment 4 (2002)).

Text of 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.[1]

Amendments

History.--Proposed by Taxation and Budget Reform Commission, Revision No. 2, 1992, filed with the Secretary of State May 7, 1992; adopted 1992 (Florida Taxpayer's Bill of Rights, Amendment 5 (1992)).

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.

Text of 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.[1]

Amendments

History.--Proposed by Initiative Petition filed with the Secretary of State September 8, 2003; adopted 2004 (Florida Medical Liability Compensation, Amendment 3 (2004)).

Text of 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.[1]

Amendments

History.--Proposed by Initiative Petition filed with the Secretary of State February 9, 2005; adopted 2008 (Florida Definition of Marriage, Amendment 2 (2008)).

GEORGIA (GA) BILL OF RIGHTS

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.[4]

ARTICLE I:

Article I of the Georgia Constitution is entitled Bill of Rights. It has three sections which prescribe the rights and liberties of citizens of Georgia.

Text of Paragraph I:

Life, liberty, and Property

No person shall be deprived of life, liberty, or property except by due process of law.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

**Text of 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]

**Text of 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.[1]

**Text of 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.[1]

**Text of 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.[1]

**Text of 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) Atrial 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.[1]

**Text of 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.[1]

**Text of 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.[1]

**Paragraph XIV
Text of Paragraph XI:**

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.[1]

**Text of 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.[1]

**Text of Paragraph XVI:
Self-incrimination**

No person shall be compelled to give testimony tending in any manner to be self-incriminating.[1]

**Text of 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.[1]

**Text of 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.[1]

**Text of 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.[1]

**Text of Paragraph XX:
Conviction, Effect of**

No conviction shall work corruption of blood or forfeiture of estate.[1]

**Text of 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.[1]

**Text of 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.[1]

**Text of Paragraph XXIII:
Imprisonment for Debt**

There shall be no imprisonment for debt.[1]

**Paragraph XXIV
Text of Paragraph XXIV:
Costs**

No person shall be compelled to pay costs in any criminal case except after conviction on final trial.[1]

**Text of Paragraph XXV:
Status of the Citizen**

The social status of a citizen shall never be the subject of legislation.[1]

**Text of 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.[1]

**Text of 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.[1]

Text of 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.[1]

Text of Paragraph XXVIII:

Enumeration of Rights Not Denial of Others

The enumeration of rights herein contained as a part of this Constitution shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.[1]

Text of Paragraph XXX:

Rights of certain individuals

(a) For the purpose of this Paragraph, a victim shall be considered an individual against whom a crime has allegedly been perpetrated, including crimes alleged as delinquent acts. Such victims shall be accorded the utmost dignity and respect and shall be treated fairly by the criminal justice system of this state and all agencies and departments that serve such system. When the crime is one against or involving the person of the victim or is a felony property crime, such victim shall be afforded the following specific rights:

- (1) The right upon request to reasonable, accurate, and timely notice of any scheduled court proceedings involving the alleged act or changes to the scheduling of such proceedings;
- (2) The right upon request to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused;
- (3) The right not to be excluded from any scheduled court proceedings involving the alleged act;
- (4) The right upon request to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused; and
- (5) The right to be informed of his or her rights.

(b) A victim described in subparagraph (a) of this Paragraph shall have the right to assert the rights enumerated in subparagraph (a) of this Paragraph. The General Assembly shall provide by general law the process whereby such victim may assert the rights provided by subparagraph (a) of this Paragraph by motion within the same criminal or delinquency proceeding giving rise to such rights. At the hearing on such motion, such victim may be represented by an attorney, but neither the state nor any of its political subdivisions shall be obligated to appoint an attorney to represent him or her. The General Assembly shall provide by general law the process whereby a family member, guardian, or legal custodian of a victim when he or she is a minor, legally incapacitated, or deceased may assert the rights of such victim.

(c) This Paragraph shall not:

- (1) Create any cause of action against the State of Georgia; any political subdivision of the State of Georgia; any officer, employee, or agent of the State of Georgia or of any of its political subdivisions; or any officer or employee of the court;

- (2) Confer upon any victim the right to:
 - (A) Appeal any decision made in a criminal or delinquency proceeding;
 - (B) Challenge any verdict or sentence entered in a criminal or delinquency proceeding; or
 - (C) Standing to participate as a party in a criminal or delinquency proceeding other than to file a motion as provided in subparagraph (b) of this Paragraph;
- (3) Restrict the authority of the General Assembly, by general law, to further define or expand upon the rights provided in this Paragraph or to regulate the reasonable exercise thereof; or
- (4) Restrict the inherent authority of the courts to maintain order in the courtroom.[1]

Amendments

Added with the approval of Georgia Amendment 4, Marsy's Law Crime Victim Rights Amendment (2018) on November 6, 2018.

Section 2: Origin and Structure of Government

Paragraph I

Text of 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.[1]

Text of Paragraph II:

Object of Government

The people of this state have the inherent right of regulating their internal government. Government is instituted for the protection, security, and benefit of the people; and at all times they have the right to alter or reform the same whenever the public good may require it.[1]

Text of Paragraph III:

Separation of Legislative, Judicial, and Executive Powers

The legislative, judicial, and executive powers shall forever remain separate and distinct; and no person discharging the duties of one shall at the same time exercise the functions of either of the others except as herein provided.[1]

Text of Paragraph IV:

Contempts

The power of the courts to punish for contempt shall be limited by legislative acts.[1]

Text of Paragraph V:

What Acts Void

(a) Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them.[1]

(b)(1) Sovereign immunity is hereby waived for actions in the superior court seeking declaratory relief from acts of the state or any agency, authority, branch, board, bureau, commission, department, office, or public corporation of this state or officer or employee

thereof or any county, consolidated government, or municipality of this state or officer or employee thereof outside the scope of lawful authority or in violation of the laws or the Constitution of this state or the Constitution of the United States. Sovereign immunity is further waived so that a court awarding declaratory relief pursuant to this Paragraph may, only after awarding declaratory relief, enjoin such acts to enforce its judgment. Such waiver of sovereign immunity under this Paragraph shall apply to past, current, and prospective acts which occur on or after January 1, 2021.

(2) Actions filed pursuant to this Paragraph against this state or any agency, authority, branch, board, bureau, commission, department, office, or public corporation of this state or officer or employee thereof shall be brought exclusively against the state and in the name of the State of Georgia. Actions filed pursuant to this Paragraph against any county, consolidated government, or municipality of the state or officer or employee thereof shall be brought exclusively against such county, consolidated government, or municipality and in the name of such county, consolidated government, or municipality. Actions filed pursuant to this Paragraph naming as a defendant any individual, officer, or entity other than as expressly authorized under this Paragraph shall be dismissed.

(3) Unless otherwise provided herein, this Paragraph shall not affect the power or duty of a court to dismiss any action or deny relief based on any other appropriate legal or equitable ground or other limitation on judicial review, including, but not limited to, administrative exhaustion requirements, ante litem notice requirements, sanctions for frivolous petitions, standing, statutes of limitation and repose, and venue. The General Assembly by an Act may limit the power or duty of a court under this Paragraph to dismiss any action or deny relief.

(4) No damages, attorney's fees, or costs of litigation shall be awarded in an action filed pursuant to this Paragraph, unless specifically authorized by Act of the General Assembly.

(5) This Paragraph shall not limit the power of the General Assembly to further waive the immunity provided in Article I, Section II, Paragraph IX and Article IX, Section II, Paragraph IX. This Paragraph shall not constitute a waiver of any immunity provided to this state or any agency, authority, branch, board, bureau, commission, department, office, or public corporation of this state or officer or employee thereof or any county, consolidated government, or municipality of this state or officer or employee thereof by the Constitution of the United States.

Amendments

Amended by Amendment 2 of 2020.

Text of Paragraph VI: Superiority of Civil Authority

The civil authority shall be superior to the military.[1]

**Text of Paragraph VII:
What Acts Void**

Separation of church and state. No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, cult, or religious denomination or of any sectarian institution.[1]

**Text of Paragraph VIII:
Lotteries and Nonprofit Bingo Games**

a) Except as herein specifically provided in this Paragraph VIII, all lotteries, and the sale of lottery tickets, and all forms of pari-mutuel betting and casino gambling are hereby prohibited; and this prohibition shall be enforced by penal laws.

(b) The General Assembly may by law provide that the operation of a nonprofit bingo game shall not be a lottery and shall be legal in this state. The General Assembly may by law define a nonprofit bingo game and provide for the regulation of nonprofit bingo games.

(c) The General Assembly may by law provide for the operation and regulation of a lottery or lotteries by or on behalf of the state and for any matters relating to the purposes or provisions of this subparagraph. Proceeds derived from the lottery or lotteries operated by or on behalf of the state shall be used to pay the operating expenses of the lottery or lotteries, including all prizes, without any appropriation required by law, and for educational programs and purposes as hereinafter provided. Lottery proceeds shall not be subject to Article VII, Section III, Paragraph II; Article III, Section IX, Paragraph VI(a); or Article III, Section IX, Paragraph IV(c), except that the net proceeds after payment of such operating expenses shall be subject to Article VII, Section III, Paragraph II. Net proceeds after payment of such operating expenses shall be separately accounted for and shall be specifically identified by the Governor in his annual budget presented to the General Assembly as a separate budget category entitled "Lottery Proceeds" and the Governor shall make specific recommendations as to educational programs and educational purposes to which said net proceeds shall be appropriated. In the General Appropriations Act adopted by the General Assembly, the General Assembly shall appropriate all net proceeds of the lottery or lotteries by such separate budget category to educational programs and educational purposes. Such net proceeds shall be used to support improvements and enhancements for educational programs and purposes and such net proceeds shall be used to supplement, not supplant, non-lottery educational resources for educational programs and purposes. The educational programs and educational purposes for which proceeds may be so appropriated shall include only the following:

- (1) Tuition grants, scholarships, or loans to citizens of this state to enable such citizens to attend colleges and universities located within this state, regardless of whether such colleges or universities are operated by the board of regents, or to attend institutions operated under the authority of the Department of Technical and Adult Education;
- (2) Voluntary pre-kindergarten;

- (3) One or more educational shortfall reserves in a total amount of not less than 10 percent of the net proceeds of the lottery for the preceding fiscal year;
- (4) Costs of providing to teachers at accredited public institutions who teach levels K-12, personnel at public postsecondary technical institutes under the authority of the Department of Technical and Adult Education, and professors and instructors within the University System of Georgia the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network; and
- (5) Capital outlay projects for educational facilities; provided, however, that no funds shall be appropriated for the items listed in paragraphs (4) and (5) of this subsection until all persons eligible for and applying for assistance as provided in paragraph (1) of this subsection have received such assistance, all approved pre-kindergarten programs provided for in paragraph (2) of this subsection have been fully funded, and the education shortfall reserve or reserves provided for in paragraph (3) of this subsection have been fully funded.
- (d) On and after January 1, 1995, the holding of raffles by nonprofit organizations shall be lawful and shall not be prohibited by any law enacted prior to January 1, 1994. Laws enacted on or after January 1, 1994, however, may restrict, regulate, or prohibit the operation of such raffles.[1]

Text of Paragraph IX:

Sovereign Immunity and Waiver Thereof; Claims Against the State and Its Departments, Agencies, Officers, and Employees

- (a) The General Assembly may waive the state's sovereign immunity from suit by enacting a State Tort Claims Act, in which the General Assembly may provide by law for procedures for the making, handling, and disposition of actions or claims against the state and its departments, agencies, officers, and employees, upon such terms and subject to such conditions and limitations as the General Assembly may provide.
- (b) The General Assembly may also provide by law for the processing and disposition of claims against the state which do not exceed such maximum amount as provided therein.
- (c) The state's defense of sovereign immunity is hereby waived as to any action ex contractu for the breach of any written contract now existing or hereafter entered into by the state or its departments and agencies.
- (d) Except as specifically provided by the General Assembly in a State Tort Claims Act, all officers and employees of the state or its departments and agencies may be subject to suit and may be liable for injuries and damages caused by the negligent performance of, or negligent failure to perform, their ministerial functions and may be liable for injuries and damages if they act with actual malice or with actual intent to cause injury in the performance of their official functions. Except as provided in this subparagraph, officers and employees of the state or its departments and agencies shall not be subject to suit or liability, and no judgment shall be entered against them, for the performance or

nonperformance of their official functions. The provisions of this subparagraph shall not be waived.

(e) Except as specifically provided in this Paragraph, sovereign immunity extends to the state and all of its departments and agencies. The sovereign immunity of the state and its departments and agencies can only be waived by an Act of the General Assembly which specifically provides that sovereign immunity is thereby waived and the extent of such waiver.

(f) No waiver of sovereign immunity under this Paragraph shall be construed as a waiver of any immunity provided to the state or its departments, agencies, officers, or employees by the United States Constitution.[1]

Section 3: General Provisions

Text of Paragraph I:

Eminent Domain

(a) Except as otherwise provided in this Paragraph, private property shall not be taken or damaged for public purposes without just and adequate compensation being first paid.

(b) When private property is taken or damaged by the state or the counties or municipalities of the state for public road or street purposes, or for public transportation purposes, or for any other public purposes as determined by the General Assembly, just and adequate compensation therefore need not be paid until the same has been finally fixed and determined as provided by law; but such just and adequate compensation shall then be paid in preference to all other obligations except bonded indebtedness.

(c) The General Assembly may by law require the condemnor to make prepayment against adequate compensation as a condition precedent to the exercise of the right of eminent domain and provide for the disbursement of the same to the end that the rights and equities of the property owner, lien holders, and the state and its subdivisions may be protected.

(d) The General Assembly may provide by law for the payment by the condemnor of reasonable expenses, including attorney's fees, incurred by the condemnee in determining just and adequate compensation.

(e) Notwithstanding any other provision of the Constitution, the General Assembly may provide by law for relocation assistance and payments to persons displaced through the exercise of the power of eminent domain or because of public projects or programs; and the powers of taxation may be exercised and public funds expended in furtherance thereof.[1]

Text of Paragraph II:

Private Ways

In case of necessity, private ways may be granted upon just and adequate compensation being first paid by the applicant.[1]

**Text of Paragraph III:
Tidewater Titles Confirmed**

The Act of the General Assembly approved December 16, 1902, which extends the title of ownership of lands abutting on tidal water to low water mark, is hereby ratified and confirmed.[1]

**Section 4: Marriage
Paragraph I**

**Text of Paragraph I:
Recognition of Marriage**

(a) This state shall recognize as marriage only the union of man and woman. Marriages between persons of the same sex are prohibited in this state.

(b) No union between persons of the same sex shall be recognized by this state as entitled to the benefits of marriage. This state shall not give effect to any public act, record, or judicial proceeding of any other state or jurisdiction respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other state or jurisdiction. The courts of this state shall have no jurisdiction to grant a divorce or separate maintenance with respect to any such relationship or otherwise to consider or rule on any of the parties' respective rights arising as a result of or in connection with such relationship.[1]

HAWAII (HI) BILL OF RIGHTS

PREAMBLE:

We, the people of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage and uniqueness as an island State, dedicate our efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina i ka pono."

We reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.

We reaffirm our belief in a government of the people, by the people and for the people, and with an understanding and compassionate heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii.[3]

ARTICLE I:

Article I of the Hawaii Constitution is entitled Bill of Rights. It has 25 sections which prescribe the rights and liberties of citizens of Hawaii.

Text of Section 1:

Political Power

All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 2:

Rights of Individuals

All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 3:

Equality of Rights

Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 4:

Freedom of Religion, Speech, Press, Assembly and Petition

No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 5:

Due Process and Equal Protection

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text OF Section 6:

Right to Privacy

The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 7:

Searches, Seizures and Invasion of Privacy

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 8:

Rights of Citizens

No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

**Text of Section 9:
Enlistment; Segregation**

No citizen shall be denied enlistment in any military organization of this State nor be segregated therein because of race, religious principles or ancestry.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

**Text of Section 10:
Indictment; Preliminary Hearing; Information; Double Jeopardy; Self-Incrimination**

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury or upon a finding of probable cause after a preliminary hearing held as provided by law or upon information in writing signed by a legal prosecuting officer under conditions and in accordance with procedures that the legislature may provide, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against oneself.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Amended by HB 150 (1981) and election on November 2, 1982.

Amended by SB 2851 (2004) and election on November 2, 2004.

**Text of Section 11:
Grand Jury Counsel**

Whenever a grand jury is impaneled, there shall be an independent counsel appointed as provided by law to advise the members of the grand jury regarding matters brought before it. Independent counsel shall be selected from among those persons licensed to practice law by the supreme court of the State and shall not be a public employee. The term and compensation for independent counsel shall be as provided by law.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

**Text of Section 12:
Bail; Excessive Punishment**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. The court may dispense with bail if reasonably satisfied that the defendant or witness will appear when directed, except for a defendant charged with an offense punishable by life imprisonment.[1]

Amendments

Amended by Constitutional Convention (1968) and election on November 5, 1968.

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 13:**Trial by Jury, Civil Cases**

In suits at common law where the value in controversy shall exceed five thousand dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Amended by SB 107 (1987) and election on November 8, 1988.

Text of Section 14:**Rights of Accused**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, or of such other district to which the prosecution may be removed with the consent of the accused; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against the accused, provided that the legislature may provide by law for the inadmissibility of privileged confidential communications between an alleged crime victim and the alleged crime victim's physician, psychologist, counselor or licensed mental health professional; to have compulsory process for obtaining witnesses in the accused's favor; and to have the assistance of counsel for the accused's defense. Juries, where the crime charged is serious, shall consist of twelve persons. The State shall provide counsel for an indigent defendant charged with an offense punishable by imprisonment.[1]

Amendments

Amended by Constitutional Convention (1968) and election on November 5, 1968.

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Amended by SB 2846 (2004) and election on November 2, 2004.

Text of Section 15:**Habeas Corpus and Suspension of Laws**

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

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 16:**Supremacy of Civil Power**

The military shall be held in strict subordination to the civil power.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 17:

Right to Bear Arms

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 18:

Quartering of Soldiers

No soldier or member of the militia shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, except in a manner provided by law.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 9:

Imprisonment for Debt

There shall be no imprisonment for debt.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 20:

Eminent Domain

Private property shall not be taken or damaged for public use without just compensation.[1]

Amendments

Amended by Constitutional Convention (1968) and election on November 5, 1968.

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 21:

Limitations of Special Privileges

The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 22:

Construction

The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.[1]

Amendments

Amended by Constitutional Convention (1978) and election on November 7, 1978.

Text of Section 23:

Marriage

The legislature shall have the power to reserve marriage to opposite-sex couples.[1]

Amendments

Amended by HB 117 (1997) and election on November 3, 1998.

Text of Section 24:

Public Access to Information Concerning Persons Convicted of Certain Offenses Against Children and Certain Sexual Offenses

The public has a right of access to registration information regarding persons convicted of certain offenses against children and persons convicted of certain sexual offenses. The legislature shall determine which offenses are subject to this provision, what information constitutes registration information to which the public has a right of access, the manner of public access to the registration information and a period of time after which and conditions pursuant to which a convicted person may petition for termination of public access.[1]

Amendments

Amended by SB 2843 (2004) and election on November 2, 2004.

Text of Section 25:

Sexual Assault Crimes Against Minors

In continuous sexual assault crimes against minors younger than fourteen years of age, the legislature may define:

1. What behavior constitutes a continuing course of conduct; and
2. What constitutes the jury unanimity that is required for a conviction.[1]

Amendments

Amended by SB 2246 (2006) and election on November 7, 2006.

IDAHO (ID) BILL OF RIGHTS

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.[1]

Article I:

Article I of the Idaho Constitution is entitled Declaration of Rights and consists of 23 sections prescribing the rights granted to the citizens of Idaho.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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 therefore, upon information of public prosecutor.[1]

Text of Section 9:**Freedom of Speech**

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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 therefore.[1]

**Text of Section 15:
Imprisonment for Debt Prohibited**

There shall be no imprisonment for debt in this state except in cases of fraud.[1]

**Text of 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.[1]

**Text of 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.[1]

**Text of 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.[1]

**Text of Section 19:
Right of Suffrage Guaranteed**

No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.[1]

**Text of 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.[1]

**Text of Section 21:
Reserved Rights Not Impaired**

This enumeration of rights shall not be construed to impair or deny other rights retained by the people.[1]

**Text of 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.[1]

Text of 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 and controlling 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, and shall not lead to a diminution of other private rights.[1]

ILLINOIS (IL) BILL OF RIGHTS

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.[1]

ARTICLE I:

Article I of the Illinois Constitution is entitled Bill of Rights. It has 24 sections.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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 seize.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Amendment Illinois Criminal Defendants' Right to Meet Witnesses, Amendment 1 (1994) approved in the November 8, 1994, general election.

Text of Section 8.1:

Crime Victim's 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.[1]

Amendments

Amended by the approval of Illinois Crime Victim Rights, Amendment 1 (1992) on November 3, 1992.

Amended by the approval of Illinois Crime Victims' Bill of Rights Amendment (2014) on November 4, 2014.

Text of 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.[1]

Amendments

Amendment approved in the November 4, 1986 general election.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 13:

Trial by Jury

The right of trial by jury as heretofore enjoyed shall remain inviolate.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

INDIANA (IN) BILL OF RIGHTS

PREAMBLE:

TO THE END, that justice be established, public order maintained, and liberty perpetuated; WE, the People of the State of Indiana, grateful to ALMIGHTY GOD for the free exercise of the right to choose our own form of government, do ordain this Constitution.[2]

ARTICLE I :

Article 1 of the Indiana Constitution is entitled Bill of Rights and consists of 38 sections.

Text of Section 1:

Inherent Rights

WE DECLARE, That all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government.[1]

Amendments

As amended on November 6, 1984.

Text of Section 2:

Right to Worship

All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences.[1]

Amendments

As amended on November 6, 1984.

Text of Section 3:

Freedom of Religious Opinions

No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.[1]

Text of Section 4:

Freedom of Religion

No preference shall be given, by law, to any creed, religious society, or mode of worship; and no person shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.[1]

Amendments

As amended on November 6, 1984.

**Text of Section 5:
No Religious Test for Office**

No religious test shall be required, as a qualification for any office of trust or profit.[1]

**Text of Section 6:
No State Money for Religious Institutions**

No money shall be drawn from the treasury, for the benefit of any religious or theological institution.[1]

**Text of Section 7:
Religion No Bar to Competency of Witnesses**

No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.[1]

**Text of Section 8:
Mode of Oath Administration**

The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.[1]

**Text of Section 9:
Freedom of Thought and Speech**

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.[1]

**Text of Section 10:
Libel, Truth as Defense**

In all prosecutions for libel, the truth of the matters alleged to be libelous, may be given in justification.[1]

**Text of Section 11:
Search and Seizure**

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.[1]

**Text of Section 12:
Openness of the Courts, Speedy Trial**

All courts shall be open; and every person, 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.[1]

Amendments

As amended on November 6, 1984.

Text of Section 13:

Rights of Accused, Rights of Victims

(a) 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.

(b) Victims of crime, as defined by law, shall have the right to be treated with fairness, dignity, and respect throughout the criminal justice process; and, as defined by law, to be informed of and present during public hearings and to confer with the prosecution, to the extent that exercising these rights does not infringe upon the constitutional rights of the accused.[1]

Amendments

Approval of Indiana Victims' Rights Act, Public Question 1 (1996) and amended on November 6, 1984.

Text of Section 14:

Double Jeopardy and Self-incrimination

No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.[1]

Text of Section 15:

Rights of Persons Arrested

No person arrested, or confined in jail, shall be treated with unnecessary rigor.[1]

Text of Section 16:

Excessive Bail or Fines, Cruel and Unusual Punishment

Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportioned to the nature of the offense.[1]

Text of Section 17:

Bailable Offenses

Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong.[1]

Text of Section 18:

Penal Code and Reformation

The penal code shall be founded on the principles of reformation, and not of vindictive justice.[1]

Text of Section 19:

Criminal Cases--Jury Determination

In all criminal cases whatever, the jury shall have the right to determine the law and the facts.[1]

Text of Section 20:

Civil Cases--Right of Trial by Jury

In all civil cases, the right of trial by jury shall remain inviolate.[1]

Text of Section 21:

Compensation for Services and Property

No person's particular services shall be demanded, without just compensation. No person's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.[1]

Amendments

As amended on November 6, 1984.

Text of Section 22:

Debts--Imprisonment Exemption

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.[1]

Text of Section 23:

Equal Privileges and Immunities

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.[1]

Text of Section 24:

Ex Post Facto Laws

No ex post facto law, or law impairing the obligation of contracts, shall ever be passed.[1]

Text of Section 25:

Laws--Taking Effect

No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.[1]

Text of Section 26:

Suspension of Laws

The operation of the laws shall never be suspended, except by the authority of the General Assembly.[1]

Text of Section 27:

Habeas Corpus

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.[1]

Text of Section 28:

Treason Defined

Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.[1]

Text of Section 29:

Treason, Proof

No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.[1]

Text of Section 30:

Effect of Conviction

No conviction shall work corruption of blood, or forfeiture of estate.[1]

Text of Section 31:

Right of Assemblage and Petition

No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.[1]

Text of Section 32:

Arms--Right to Bear

The people shall have a right to bear arms, for the defense of themselves and the State.[1]

Text of Section 33:

Military

The military shall be kept in strict subordination to the civil power.[1]

Text of Section 34:

Quartering of Soldiers

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.[1]

Text of Section 35:

Titles of Nobility

The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.[1]

**Text of Section 36:
Freedom of Emigration**

Emigration from the State shall not be prohibited.[1]

**Text of Section 37:
Slavery--Prohibition**

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.[1]

Amendments

As amended on November 6, 1984.

Text of Section 39:

(a) The right to hunt, fish, and harvest wildlife:

(1) is a valued part of Indiana's heritage; and

(2) shall be forever preserved for the public good.

(b) The people have a right, which includes the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to the laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly to:

(1) promote wildlife conservation and management; and

(2) preserve the future of hunting and fishing.

(c) Hunting and fishing shall be a preferred means of managing and controlling wildlife.

(d) This section shall not be construed to limit the application of any provision of law relating to trespass or property rights.[1]

Amendments

Added on November 8, 2016, via voter approval of Public Question 1

IOWA (IA) BILL OF RIGHTS

PREAMBLE:

WE, THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuance 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:[1]

ARTICLE I:

Article I of the Iowa Constitution is labeled Bill of Rights. It has 25 sections.

Text of Section 1:

Rights of Persons

All men and women 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.[1]

Amendments

Amended in 1998 with the approval of Iowa Equal Rights Act, Chapter 216 (1998).

Text of Section 1A:

Right to keep and bear arms

The right of the people to keep and bear arms shall not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right shall be subject to strict scrutiny.

Amendments

Section 1A was added with the approval of Amendment 1 on November 8, 2022.

Text of Section 2:

Political Power

All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.[1]

Text of Section 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.[1]

Text of Section 4:**Religious Test—Witnesses**

No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.[1]

Referred to in §729.1 of the Code.

Text of Section 5:**Dueling**

Repealed in 1992 with the approval of Amendment.[1]

Text of Section 6:**Laws Uniform**

All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.[1]

Text of Section 7:**Liberty of Speech and Press**

Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as libellous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.[1]

Text of Section 8:**Personal Security--Searches and Seizures**

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.[1]

Text of Section 9:**Right of Trial by Jury--Due Process of Law**

The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.[1]

See also: R.Cr.P. 2.17, 2.21(2), 2.67; R.C.P. 1.902, 1.903, 1.1108.

Text of Section 10:**Rights of Persons Accused**

In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and, to have the assistance of counsel.[1]

See also: §602.1601 of the Code.

Text of Section 11:**When Indictment Necessary--Grand Jury**

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

The grand jury may consist of any number of members not less than five, nor more than fifteen, as the general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.[1]

Amendments

Paragraph 2 added 1884 with the approval of Amendment.

Paragraph 1 amended 1998 with the approval of Iowa Offenses Tried without Indictment Act, Chapter 217 (1998).

As to indictment and the number of grand jurors, see R.Cr.P. 2.3, 2.4. Magistrate jurisdiction, see §602.6405 of the Code.

Text of Section 12:**Twice Tried--Bail**

No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable, by sufficient sureties, except for capital offences where the proof is evident, or the presumption great.[1]

Text of Section 13:**Habeas Corpus**

The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it.[1]

Text of Section 14:

Military

The military shall be subordinate to the civil power. No standing army shall be kept up by the state in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.[1]

Text of Section 15:

Quartering Soldiers

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.[1]

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 evidence of two witnesses to the same overt act, or confession in open court.[1]

Text of Section 17:

Bail--Punishments

Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.[1]

Text of Section 18:

Eminent Domain

Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

The general assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The general assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.[1]

Amendments

Paragraph 2 added in 1908 with the approval of Amendment.

Text of Section 19:

Imprisonment for Debt

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.[1]

Text of Section 20:

Rights of Assemblage--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.[1]

Text of Section 21:

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.[1]

Referred to in §12E.11, 16.2 of the Code.

Text of Section 22:

Resident Aliens

Foreigners who are, or may hereafter become residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native born citizens.[1]

Text of Section 23:

Slavery--Penal Servitude

There shall be no slavery in this state; nor shall there be involuntary servitude, unless for the punishment of crime.[1]

Text of Section 24:

Agricultural Leases

No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.[1]

Referred to in §461A.25 of the Code.

Text of Section 25:

Rights Reserved

This enumeration of rights shall not be construed to impair or deny others, retained by the people.[1]

KANSAS (KS) BILL OF RIGHTS

PREAMBLE:

We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the state of Kansas, with the following boundaries, to wit: Beginning at a point on the western boundary of the state of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the state of Missouri; thence south with the western boundary of said state to the place of beginning.[1]

Bill of Rights, Kansas Constitution:

The Bill of Rights of the Kansas Constitution comes between the Preamble and Article 1. It prescribes the rights of the citizens of Kansas.

Text of Section 1:

Equal Rights

All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.[1]

Text of Section 2:

Political Power; Privileges

All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.[1]

Text of Section 3:

Right of Peaceable Assembly; Petition

The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.[1]

Text of Section 4:

Bear Arms

A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.[1]

Amendments

Amended on November 2, 2010 with the approval of Kansas Right to Bear Arms Question, Constitutional Amendment Question 1 (2010).

Text of Section 5:**Trial by Jury**

The right of trial by jury shall be inviolate.[1]

Text of Section 6:**Slavery Prohibited**

There shall be no slavery in this state; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.[1]

Text of Section 7:**Religious Liberty**

The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any elections, nor shall any person be incompetent to testify on account of religious belief.[1]

Text of Section 8:**Habeas Corpus**

The right to the writ of habeas corpus shall not be suspended, unless the public safety requires it in case of invasion or rebellion.[1]

Text of Section 9:**Bail**

All persons shall beailable by sufficient sureties except for capital offenses, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.[1]

Text of Section 10:**Trial; Defense of Accused**

In all prosecutions, the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process to compel the attendance of the witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.[1]

Text of Section 11:**Liberty of Press and Speech; Libel**

The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such rights; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury,

and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.[1]

Text of Section 12:

No Forfeiture of Estate for Crimes

No conviction within the state shall work a forfeiture of estate.[1]

Text of Section 13:

Treason

Treason shall consist only in levying war against the state, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.[1]

Text of Section 14:

Soldiers' Quarters

No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.[1]

Text of Section 15:

Search and Seizure

The right of the people to be secure in their persons and property against unreasonable searches and seizures shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.[1]

Text of Section 16:

Imprisonment for Debt

No person shall be imprisoned for debt, except in cases of fraud.[1]

Text of Section 17:

Property Rights of Citizens and Aliens

No distinction shall ever be made between citizens of the state of Kansas and the citizens of other states and territories of the United States in reference to the purchase, enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent of property may be regulated by law.[1]

Text of Section 18:

Justice Without Delay

All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.[1]

Text of Section 19:

Emoluments or Privileges Prohibited

No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the state.[1]

Text of Section 20:

Powers Retained by People

This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.[1]

Text of Section 21:

Right of public to hunt, fish and trap wildlife. The people have the right to hunt, fish and trap, including by the use of traditional methods, subject to reasonable laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass, property rights or water resources.[1]

Amendments

Added on November 8, 2016, via voter approval of Constitutional Amendment 1.

KENTUCKY (KY) BILL OF RIGHTS

PREAMBLE:

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.[1]

Bill of Rights, Kentucky Constitution:

The Bill of Rights of the Kentucky Constitution consists of 26 sections.

Text of Section 1:

All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.[1]

Text of Section 2:

Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.[1]

Text of Section 3:

All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution, and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.[1]

Text of Section 4:

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.[1]

Text of Section 5:

No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.[1]

Text of Section 6:

All elections shall be free and equal.[1]

Text of Section 7:

The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.[1]

Text of Section 8:

Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty.[1]

Text of Section 9:

In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.[1]

Text of Section 10:

The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.[1]

Text of Section 11:

In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.[1]

Text of Section 12:

No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of court for oppression or misdemeanor in office.[1]

Text of Section 13:

No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.[1]

Text of Section 14:

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.[1]

Text of Section 15:

No power to suspend laws shall be exercised unless by the General Assembly or its authority.[1]

Text of Section 16:

All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great: and the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.[1]

Text of Section 17:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.[1]

Text of Section 18:

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.[1]

Text of Section 19:

(1) No ex post facto law, nor any law impairing the obligation of contracts, shall be enacted.

(2) In any instrument heretofore or hereafter executed purporting to sever the surface and mineral estates or to grant a mineral estate or to grant a right to extract minerals, which fails to state or describe in express and specific terms the method of coal extraction to be employed, or where said instrument contains language subordinating the surface estate to the mineral estate, it shall be held, in the absence of clear and convincing evidence to the contrary, that the intention of the parties to the instrument was that the coal be extracted only by the method or methods of commercial coal extraction commonly known to be in use in Kentucky in the area affected at the time the instrument was executed, and that the mineral estate be dominant to the surface estate for the purposes of coal extraction by only the method or methods of commercial coal extraction commonly known to be in use in Kentucky in the area affected at the time the instrument was executed.[1]

Amendments

Amended by Mineral Rights Amendment, 1988 amendment in 1988.

Text of Section 20:

No person shall be attainted of treason or felony by the General Assembly, and no attainer shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.[1]

Text of Section 21:

The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.[1]

Text of Section 22:

No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.[1]

Text of Section 23:

The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than a term of years.[1]

Text of Section 24:

Emigration from the State shall not be prohibited.[1]

Text of Section 25:

Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.[1]

Text of Section 26:

To guard against transgression of the high powers which we have delegated, We Declare that every thing in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.[1]

LOUISIANA (LA) BILL OF RIGHTS

PREAMBLE:

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.[1]

ARTICLE I:

Article I of the Louisiana Constitution is entitled Declaration of Rights and consists of 27 sections.

Text of Section 1:

Origin and Purpose of Government

All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.[1]

Text of Section 2:

Due Process of Law

No person shall be deprived of life, liberty, or property, except by due process of law.[1]

Text of Section 3:

Right to Individual Dignity

No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.[1]

Text of Section 4:

Right to Property

Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

(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.[1]

Amendments

Amended with the approval of Acts 1989, No. 840, §1, on November 7, 1989.

Amended with the approval of Louisiana Contraband Act, Ballot Measure 12 (2003) and Louisiana Property Rights Act, Ballot Measure 3 (2003) on October 4, 2003.

Amended with the approval of [[Louisiana Amendment 3, Levee Districts and Regional Flood Protection Authorities Measure (September 2006)]], Louisiana Property Rights Compensation Act, Amendment 4 (September 2006) and Louisiana Expropriation of Property Act, Amendment 6 (September 2006) on September 30, 2006.

Text of Section 5:

Right to Privacy

Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.[1]

Text of Section 6:

Freedom from Intrusion

No person shall be quartered in any house without the consent of the owner or lawful occupant.[1]

Text of Section 7:

Freedom of Expression

No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.[1]

Text of Section 8:

Freedom of Religion

No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.[1]

Text of Section 9:

Right of Assembly and Petition

No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances.[1]

Text of Section 10:

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

(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.[1]

Amendments

Amended with the approval of Acts 1997, No. 1492, §1, on October 3, 1998.

Text of Section 10.1:

Disqualification from Seeking or Holding an Elective Office

(A) 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 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.[1]

Amendments

Added via the approval of Louisiana Amendment 1, Felons Disqualified to Run for Office for Five Years Amendment (2018) on November 6, 2018.

Text of Section 11:

Right to Keep and Bear Arms

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.[1]

Amendments

Amended with the approval of Louisiana Right to Bear Arms, Amendment 2 (2012) on November 6, 2012.

Text of Section 12:

Freedom from Discrimination

In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.[1]

Text of Section 13:

Rights of the Accused

When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation

against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.[1]

Text of Section 14:

Right to Preliminary Examination

The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.[1]

Text of Section 15:

Initiation of Prosecution

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.[1]

Text of Section 16:

Right to a Fair Trial

Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf. 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.[1]

Amendments

Amended with the approval of Louisiana Jury Instructions Regarding Governor's Power to Grant Reprieve, Amendment 1 (1995) on November 18, 1995.

Text of Section 17:

Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial

(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.[1]

Amendments

Amended via the approval of Acts 1997, No. 1502, §1, on Oct. 3, 1998.

Amended via the approval of Louisiana Bench Trial, Amendment 10 (2010) on November 2, 2010.

Amendment via the approval of Louisiana Amendment 2, Unanimous Jury Verdict for Felony Trials Amendment (2018) on November 6, 2018.

Text of Section 18:

Right to Bail

(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.[1]

Amendments

Amended with the approval of Acts 1997, No. 1498, §1, on October 3, 1998.

Text of Section 19:

Right to Judicial Review

No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.[1]

Text of Section 20:

Right to Humane Treatment

No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.[1]

Text of Section 20.1:

To protect human life, nothing in this constitution shall be construed to secure or protect a right to abortion or require the funding of abortion.[1]

Added with the approval of Amendment 1 on November 3, 2020.

Text of Section 21:

Writ of Habeas Corpus

The writ of habeas corpus shall not be suspended.[1]

Text of Section 22:

Access to Courts

All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights.[1]

Text of Section 23:

Prohibited Laws

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.[1]

Text of Section 24:

Unenumerated Rights

The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.[1]

Text of Section 25:

Rights of a Victim

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.[1]

Amendments

Amended with the approval of Acts 1997, No. 1487, §1, on October 3, 1998.

Text of Section 26:

State Sovereignty

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.[1]

Amendments

Amended with the approval of Acts 1997, No. 1494, §1, October 3, 1998.

Text of Section 27:

Freedom to Hunt, Fish and Trap

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.[1]

Amendments

Amended with the approval of Louisiana Right to Hunt, Fish and Trap Amendment, Question 1 (2004) on November 2, 2004.

MAINE (ME) BILL OF RIGHTS

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.[1]

ARTICLE I:

Article I of the Maine Constitution is entitled Declaration of Rights and consists of 24 sections.

Text of Section 1:

Natural Rights

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.[1]

Amendments

Maine Removal of Gender Biased Constitutional Language, Question 7 (1988), which was approved on November 8, 1988.

Text of 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.[1]

Text of 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.[1]

Amendments

Maine Removal of Gender Biased Constitutional Language, Question 7 (1988), which was approved on November 8, 1988.

Text of 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.[1]

Amendments

Maine Removal of Gender Biased Constitutional Language, Question 7 (1988), which was approved on November 8, 1988.

Text of 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.[1]

Text of 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.[1]

Amendments

Maine Removal of Gender Biased Constitutional Language, Question 7 (1988), which was approved on November 8, 1988.

Text of 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.[1]

Amendments

Maine Removal of Gender Biased Constitutional Language, Question 7 (1988), which was approved on November 8, 1988.

Text of 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.[1]

Text of Section 8:

No Double Jeopardy

No person, for the same offense, shall be twice put in jeopardy of life or limb.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 13:

Suspension of Laws

The laws shall not be suspended but by the Legislature or its authority.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 16:

To Keep and Bear Arms

Every citizen has a right to keep and bear arms and this right shall never be questioned.[1]

Amendments

Maine Right to Keep and Bear Arms, Question 12 (1987), which was approved on November 3, 1987.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Maine Removal of Gender Biased Constitutional Language, Question 7 (1988), which was approved on November 8, 1988.

Text of 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.[1]

Amendments

Maine Removal of Gender Biased Constitutional Language, Question 7 (1988), which was approved on November 8, 1988.

Text of 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.[1]

Text of Section 22:

Taxes

No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.[1]

Text of 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.[1]

Text of Section 24:

Other Rights Not Impaired

Other rights not impaired. The enumeration of certain rights shall not impair nor deny others retained by the people.[1]

Text of Section 25:

Right to food

All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.[1]

Amendments

Ratified as Maine Question 3 on November 2, 2021.

MARYLAND (MA) BILL OF RIGHTS

PREAMBLE:

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:[1]

Declaration of Rights:

The Declaration of Rights precedes 28 articles and consists of 47 articles itself, in addition to a preamble.

Text of 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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 \$25,000.

(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.[1]

Amendments

Amended with the approval of Chapters 203, 204, Acts of 1992, on November 3, 1992.

Amended with the approval of Maryland Civil Jury Trials Act, Question 3 (2006) on November 7, 2006.

Amended with the approval of Maryland Civil Jury Trials Amendment, Question 2 (2010) on November 2, 2010.

Amended with the approval of Question 3 on November 8, 2022.

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended with the approval of Chapter 357, Acts of 1971, on November 7, 1972.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 10:

That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.[1]

Text of Article 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.[1]

Text of Article 12:

That for redress of grievances, and for amending, strengthening and preserving the Laws, the Legislature ought to be frequently convened.[1]

Text of Article 13:

That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.[1]

Text of Article 14:

That no aid, charge, tax, burthen or fees ought to be rated or levied, under any pretense, without the consent of the Legislature.[1]

Text of Article 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.[1]

Amendments

Amended with the approval of Chapter 390, Acts of 1914, on November 2, 1915.

Amended with the approval of Chapter 64, Acts of 1960, on November 8, 1960.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 18:

That no Law to attain particular persons of treason or felony, ought to be made in any case, or at any time, hereafter.[1]

Text of Article 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.[1]

Text of Article 20:

That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the People.[1]

Text of Article 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.[1]

Text of Article 22:

That no man ought to be compelled to give evidence against himself in a criminal case.[1]

Text of Article 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 \$25,000, shall be inviolably preserved.[1]

Amendments

Amended with the approval of Chapter 407, Acts of 1949, on November 7, 1950.

Amended with the approval of Chapter 789, Acts of 1969, on November 3, 1970.

Transferred from Article XV, Sections 5 and 6, by Chapter 681, Acts of 1977, on November 7, 1978.

Amended with the approval of Chapters 205, 206, Acts of 1992, on November 3, 1992.

Amended with the approval of Maryland Civil Jury Amount Act, Question 1 (1998) on November 3, 1998.

Amended with the approval of Maryland Civil Jury Trials Amendment, Question 2 (2010) November 2, 2010.

Amended with the approval of Question 3 on November 8, 2022.

Text of Article 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.[1]

Amendments

Amended with the approval of Chapter 681, Acts of 1977, on November 7, 1978.

Text of Article 25:

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law.[1]

Text of Article 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.[1]

Text of Article 27:

That no conviction shall work corruption of blood or forfeiture of estate.[1]

Text of Article 28:

That a well regulated Militia is the proper and natural defence of a free Government.[1]

Text of Article 29:

That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.[1]

Text of Article 30:

That in all cases, and at all times, the military ought to be under strict subordination to, and control of, the civil power.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended with the approval of Chapter 61, Acts of 1990, on November 6, 1990.

Text of Article 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.[1]

Amendments

Amended with the approval of Chapter 681, Acts of 1977, on November 7, 1978.

Text of Article 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.[1]

Amendments

Amended with the approval of Chapter 129, Acts of 1964, on November 3, 1964.

Amended with the approval of Chapter 61, Acts of 1990, on November 6, 1990.

Amended with the approval of Maryland Dual Offices Exceptions, Question 3 (1996) on November 5, 1996.

Text of Article 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 therefore 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.[1]

Amendments

Amended with the approval of Chapter 558, Acts of 1970, on November 3, 1970.

Text of Article 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.[1]

Text of Article 38:

Vacant.

Amendments

Amended with the approval of Chapter 623, Acts of 1947, on November 2, 1948.

Repealed by Chapter 681, Acts of 1977, on November 7, 1978.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 41:

That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.[1]

Text of Article 42:

That no title of nobility or hereditary honors ought to be granted in this State.[1]

Text of Article 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.[1]

Amendments

Amended with the approval of Chapter 65, Acts of 1960, on November 8, 1960.

Text of Article 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.[1]

Text of Article 45:

This enumeration of Rights shall not be construed to impair or deny others retained by the People.[1]

Text of Article 46:

Equality of rights under the law shall not be abridged or denied because of sex.[1]

Amendments

Amended with the approval of Chapter 366, Acts of 1972, on November 7, 1972.

Amended with the approval of Chapter 681, Acts of 1977, on November 7, 1978.

Text of Article 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.[1]

MASSACHUSETTS (MA) BILL OF RIGHTS

PREAMBLE:

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain and establish the following Declaration of Rights, and Frame of Government, as the Constitution of the Commonwealth of Massachusetts.[4]

Part the First:

Part the First of the Massachusetts Constitution is entitled A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts and contains 30 sections.

Text of Article 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.[1]

Amendments

Annulled by Amendments, Art. CVI.

Text of Article 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.[1]

Amendments

See Amendments, Arts. XLVI and XLVIII.

Text of Article 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 moneys 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 moneys are raised.

Any 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.[1]

Amendments

Art. XI of the Amendments is substituted for this article.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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 incontestable, 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

See Amendments, Arts. XLV and XLVIII.

For compulsory voting, see Amendments, Art. LXI.

For use of voting machines at elections, see Amendments, Art. XXXVIII.

For absent voting, see Amendments, Art. LXXVI.

Text of Article 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 controllable 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 therefore.[1]

Amendments

See Amendments, Arts. XXXIX, XLIII, XLVII, XLVIII, XLIX, L, LI and XCVII.

Text of Article 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.[1]

Text of Article XII:

No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be 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.[1]

Amendments

See Amendments, Art. XLVIII.

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

See Amendments, Art. XLVIII.

Text of Article 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 practiced, 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.[1]

Amendments

See Amendments, Art. XLVIII.

Text of Article 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.][1]

Amendments

See Amendments, Art. XLVIII.

Annulled and superseded by Amendments, Art. LXXVII.

Text of Article 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.[1]

Text of Article 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 lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.[1]

Text of Article 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.[1]

Amendments

See Amendments, Art. XLVIII.

Text of Article 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.[1]

Amendments

See Amendments, Art. XLVIII, I, Definition and LXXXIX.

Text of Article 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.[1]

Amendments

See Amendments, Art. XLVIII.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article XXV:

No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.[1]

Text of Article XXVI:

No magistrate or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.[1]

Amendments

See Amendments, Art. XLVIII and CXVI.

Text of Article 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.[1]

Text of Article XVIII:

No person can in any case be subject 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.[1]

Amendments

See Amendments, Art. XLVIII.

Text of Article 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.[1]

Amendments

See Amendments, Art. XLVIII, LXVIII and XCVIII.

Text of Article 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.[1]

MICHIGAN (MI) BILL OF RIGHTS

PREAMBLE:

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.[3]

ARTICLE I:

Article I of the Michigan Constitution is entitled Declaration of Rights and consists of 27 sections

Text of Section 1:

Political Power

All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.[1]

History: Const. 1963, Art. I, §1, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §1.

Text of Section 2:

Equal Protection; Discrimination

No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.[1]

History: Const. 1963, Art. I, §2, Eff. Jan. 1, 1964.

Text of Section 3:

Assembly, Consultation, Instruction, Petition

The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.[1]

History: Const. 1963, Art. I, §3, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §2.

Text of Section 4:

Freedom of Worship and Religious Belief; Appropriations

Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.[1]

History: Const. 1963, Art. I, §4, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §3.

Text of Section 5:

Freedom of Speech and of Press

Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.[1]

History: Const. 1963, Art. I, §5, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §4.

Text of Section 6:

Bearing of Arms

Every person has a right to keep and bear arms for the defense of himself and the state.[1]

History: Const. 1963, Art. I, §6, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §5.

Text of Section 7:

Military Power Subordinate to Civil Power

The military shall in all cases and at all times be in strict subordination to the civil power.[1]

History: Const. 1963, Art. I, §7, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §6.

Text of Section 8:

Quartering of Soldiers

No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.[1]

History: Const. 1963, Art. I, §8, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §7.

Text of Section 9:

Slavery and Involuntary Servitude

Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.[1]

History: Const. 1963, Art. I, §9, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §8.

Text of Section 10:

Attainder; Ex Post Facto Laws; Impairment of Contracts

No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.[1]

History: Const. 1963, Art. I, §10, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §9.

Text of Section 11:

Searches and Seizures

The person, houses, papers, possessions, and electronic data and electronic communications of every person shall be secure from unreasonable searches and seizures.

No warrant to search any place or to seize any person or things or to access electronic data or electronic communications shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.[1]

History: Const. 1963, Art. I, §11, Eff. Jan. 1, 1964. Constitutionality: The last sentence of this section was held invalid as in conflict with U.S. Const., Amend. IV. Lucas v. People, 420 F.2d 259 (C.A. Mich. 1970); Caver v. Kropp, 306 F.Supp. 1329 (D.C. Mich. 1969); People v. Pennington, 383 Mich. 611, 178 N.W. 2d 460 (1970); People v. Andrews, 21 Mich. App. 731, 176 N.W. 2d 460 (1970). Former

Constitution: See Const. 1908, Art. II, §10.

Amendments

Amended with the approval of Michigan Proposal 2, Search Warrant for Electronic Data Amendment (2020) on November 3, 2020.

Text of Section 12:

Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.[1]

History: Const. 1963, Art. I, §12, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §11.

Text of Section 13:

Conduct of Suits in Person or By Counsel

A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.[1]

History: Const. 1963, Art. I, §13, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §12.

Text of Section 14:

Jury Trials

The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.[1]

History: Const. 1963, Art. I, §14, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §13.

Text of Section 15:

Double Jeopardy; Bailable Offenses; Commencement of Trial if Bail Denied; Bail Hearing; Effective Date

No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except that bail may be denied for the following persons when the proof is evident or the presumption great:

(a) A person who, within the 15 years immediately preceding a motion for bail pending the disposition of an indictment for a violent felony or of an arraignment on a warrant charging a violent felony, has been convicted of 2 or more violent felonies under the laws of this state or under substantially similar laws of the United States or another state, or a combination thereof, only if the prior felony convictions arose out of at least 2 separate incidents, events, or transactions.

(b) A person who is indicted for, or arraigned on a warrant charging, murder or treason.

(c) A person who is indicted for, or arraigned on a warrant charging, criminal sexual conduct in the first degree, armed robbery, or kidnapping with intent to extort money or other valuable thing thereby, unless the court finds by clear and convincing evidence that the defendant is not likely to flee or present a danger to any other person.

(d) A person who is indicted for, or arraigned on a warrant charging, a violent felony which is alleged to have been committed while the person was on bail, pending the disposition of a prior violent felony charge or while the person was on probation or parole as a result of a prior conviction for a violent felony. If a person is denied admission to bail under this section, the trial of the person shall be commenced not more than 90 days after the date on which admission to bail is denied. If the trial is not commenced within 90 days after the date on which admission to bail is denied and the delay is not attributable to the defense, the court shall immediately schedule a bail hearing and shall set the amount of bail for the person. As used in this section, “violent felony” means a felony, an element of which involves a violent act or threat of a violent act against any other person. This section, as amended, shall not take effect until May 1, 1979.[1]

History: Const. 1963, Art. I, §15, Eff. Jan. 1, 1964;—Am. H.J.R. Q, approved Nov. 7, 1978, Eff. May 1, 1979. Effective date: The language certified by the Board of Canvassers was identical to House Joint Resolution Q of 1978, except for the deletion of the last sentence which contained the proposed May 1, 1979, effective date. The May 1, 1979, effective date provision of House Joint Resolution Q was not stated in the text of ballot Proposal K or in any of the material circulated by the Secretary of State, and was neither considered nor voted upon by the electors in the November 7, 1978, general election. Therefore, the effective date of Proposal K is December 23, 1978, which was the date 45 days after the election as provided by Const.

1963, Art. XII, §1. Op. Atty. Gen., No. 5533 (1979). Former Constitution: See Const. 1908, Art. II, §14.

Amendments

Amended with the approval of Michigan Courts Bail Amendment, Proposal K (1978) on November 7, 1978.

Text of Section 16:

Bail; Fines; Punishments; Detention of Witnesses

Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.[1]

History: Const. 1963, Art. I, §16, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §15.

Text of Section 17:

Self-Incrimination; Due Process of Law; Fair Treatment at Investigations

No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.[1]

History: Const. 1963, Art. I, §17, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §16.

Text of Section 18:

Witnesses; Competency, Religious Beliefs

No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.[1]

History: Const. 1963, Art. I, §18, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §17.

Text of Section 19:

Libels, Truth as Defense

In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.[1]

History: Const. 1963, Art. I, §19, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §18.

Text of Section 20:

Rights of Accused in Criminal Prosecutions

In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in prosecutions for misdemeanors punishable by imprisonment for not more than 1 year; to be informed of the nature of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; to have the assistance of counsel for his or her defense; to have an appeal as a matter of right, except as provided by law an appeal by an accused who pleads guilty or nolo contendere shall be by leave of the court; and as provided by law, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.[1]

History: Const. 1963, Art. I, §20, Eff. Jan. 1, 1964;—Am. H.J.R. M, approved Aug. 8, 1972, Eff. Sept. 23, 1972;—Am. S.J.R. D, approved Nov. 8, 1994, Eff. Dec. 24, 1994. Former Constitution: See Const. 1908, Art. II, §19.

Amendments

Amended with the approval of Michigan Trial by Jury Amendment, Proposal A (August 1972) on August 8, 1972.

Amended with the approval of Michigan Criminal Appeal Amendment, Proposal B (1994) on November 8, 1994.

Text of Section 21:

Imprisonment for Debt

No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.[1]

History: Const. 1963, Art. I, §21, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §20.

Text of Section 22:

Treason; Definition, Evidence

Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.[1]

History: Const. 1963, Art. I, §22, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §21.

Text of Section 23:

Enumeration of Rights Not to Deny Others

The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.[1]

History: Const. 1963, Art. I, §23, Eff. Jan. 1, 1964.

Text of Section 24:

Rights of Crime Victims; Enforcement; Assessment Against Convicted Defendants

(1) Crime victims, as defined by law, shall have the following rights, as provided by law:

The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused.

The right to be reasonably protected from the accused throughout the criminal justice process.

The right to notification of court proceedings.

The right to attend trial and all other court proceedings the accused has the right to attend.

The right to confer with the prosecution.

The right to make a statement to the court at sentencing.

The right to restitution.

The right to information about the conviction, sentence, imprisonment, and release of the accused.

(2) The legislature may provide by law for the enforcement of this section. (3) The legislature may provide for an assessment against convicted defendants to pay for crime victims' rights.[1]

History: Add. H.J.R. P, approved Nov. 8, 1988, Eff. Dec. 24, 1988.

Amendments

Added with the approval of Michigan Crime Victim Amendment, Proposal B (1988) on November 8, 1988.

Text of Section 25:

Marriage

To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.[1]

History: Add. Init., approved Nov. 2, 2004, Eff. Dec. 18, 2004.

Amendments

Added with the approval of Michigan Marriage Amendment, Proposal 2 (2004) on November 2, 2004.

Text of Section 26:

Affirmative Action Programs

(1) The University of Michigan, Michigan State University, Wayne State University, and any other public college or university, community college, or school district shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(2) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(3) For the purposes of this section "state" includes, but is not necessarily limited to, the state itself, any city, county, any public college, university, or community college, school district, or other political subdivision or governmental instrumentality of or within the State of Michigan not included in sub-section 1.

(4) This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.

(5) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(6) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Michigan anti-discrimination law.

(7) This section shall be self-executing. If any part or parts of this section are found to be in conflict with the United States Constitution or federal law, the section shall be implemented to the maximum extent that the United States Constitution and federal law permit. Any provision held invalid shall be severable from the remaining portions of this section.

(8) This section applies only to action taken after the effective date of this section.

(9) This section does not invalidate any court order or consent decree that is in force as of the effective date of this section.[1]

History: Add. Init., approved Nov. 7, 2006, Eff. Dec. 23, 2006.

Amendments

Added with the approval of Michigan Proposal 2, Affirmative Action Initiative (2006) on November 7, 2006.

Text of Section 27:

Human Embryo and Embryonic Stem Cell Research (1) Nothing in this section shall alter Michigan's current prohibition on human cloning.

(2) To ensure that Michigan citizens have access to stem cell therapies and cures, and to ensure that physicians and researchers can conduct the most promising forms of medical research in this state, and that all such research is conducted safely and ethically, any research permitted under federal law on human embryos may be conducted in Michigan, subject to the requirements of federal law and only the following additional limitations and requirements:

(a) No stem cells may be taken from a human embryo more than fourteen days after cell division begins; provided, however, that time during which an embryo is frozen does not count against this fourteen day limit.

(b) The human embryos were created for the purpose of fertility treatment and, with voluntary and informed consent, documented in writing, the person seeking fertility treatment chose to donate the embryos for research; and

(i) the embryos were in excess of the clinical need of the person seeking the fertility treatment and would otherwise be discarded unless they are used for research; or

(ii) the embryos were not suitable for implantation and would otherwise be discarded unless they are used for research.

(c) No person may, for valuable consideration, purchase or sell human embryos for stem cell research or stem cell therapies and cures.

(d) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and local laws of general applicability, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not:

(i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section; or

(ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures.

(3) Any provision of this section held unconstitutional shall be severable from the remaining portions of this section.[1]

History: Add. Init., approved Nov. 4, 2008, Eff. Dec. 19, 2008.

Amendments

Added with the approval of Michigan Stem Cell Amendment, Proposal 2 (2008) on November 4, 2008

Text of Section 28:

Right to Reproductive Freedom (1) Every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including but not limited to prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care.

An individual's right to reproductive freedom shall not be denied, burdened, nor infringed upon unless justified by a compelling state interest achieved by the least restrictive means.

Notwithstanding the above, the state may regulate the provision of abortion care after fetal viability, provided that in no circumstance shall the state prohibit an abortion that, in the professional judgment of an attending health care professional, is medically indicated to protect the life or physical or mental health of the pregnant individual.

(2) The state shall not discriminate in the protection or enforcement of this fundamental right.

(3) The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes, including but not limited to miscarriage, stillbirth, or abortion. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

(4) For the purposes of this section:

A state interest is "compelling" only if it is for the limited purpose of protecting the health of an individual seeking care, consistent with accepted clinical standards of practice and evidence-based medicine, and does not infringe on that individual's autonomous decision-making. "Fetal viability" means: the point in pregnancy when, in the professional judgment of an attending health care professional and based on the particular facts of the case, there is a significant likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

(5) This section shall be self-executing. Any provision of this section held invalid shall be severable from the remaining portions of this section.[1]

History: Add. Init., approved Nov. 8, 2022

Amendments

Added with the approval of Michigan Proposal 3, Right to Reproductive Freedom Initiative (2022) on November 8, 2022.

MINNESOTA (MN) BILL OF RIGHTS

PREAMBLE:

We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution." [1]

ARTICLE I:

Article I of the Minnesota Constitution is entitled Bill of Rights and consists of 17 sections.

Text of Section 1:

Object of Government

Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good. [1]

Text of Section 2:

Rights and Privileges

No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted. [1]

Text of Section 3:

Liberty of the Press

The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right. [1]

Text of Section 4:

Trial by Jury

The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy. A jury trial may be waived by the parties in all cases in the manner prescribed by law. The legislature may provide that the agreement of five-sixths of a jury in a civil action or proceeding, after not less than six hours' deliberation, is a sufficient verdict. The legislature may provide for the number of jurors in a civil action or proceeding, provided that a jury have at least six members. [1]

Amendments

Amended in November 8, 1988.

Text of Section 5:

No Excessive Bail or Unusual Punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. [1]

Text of Section 6:**Rights of Accused in Criminal Prosecutions**

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law. In all prosecutions of crimes defined by law as felonies, the accused has the right to a jury of 12 members. In all other criminal prosecutions, the legislature may provide for the number of jurors, provided that a jury have at least six members. The accused shall enjoy the right to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel in his defense.[1]

Amendments

Amended in November 8, 1988.

Text of Section 7:**Due Process; Prosecutions; Double Jeopardy; Self-Incrimination; Bail; Habeas Corpus**

No person shall be held to answer for a criminal offense without due process of law, and no person shall be put twice in jeopardy of punishment for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons before conviction shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended unless the public safety requires it in case of rebellion or invasion.[1]

Text of Section 8:**Redress of Injuries or Wrongs**

Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive to his person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws.[1]

Text of Section 9:**Treason Defined**

Treason against the state consists only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.[1]

Text of Section 10:**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 but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.[1]

Text of Section 11:

Attainers, Ex Post Facto Laws and Laws Impairing Contracts Prohibited

No bill of attainder, ex post facto law, or any law impairing the obligation of contracts shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.[1]

Text of Section 12:

Imprisonment for Debt; Property Exemption

No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law. Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same, and provided further, that such liability to seizure and sale shall also extend to all real property for any debt to any laborer or servant for labor or service performed.[1]

Text of Section 13:

Private Property for Public Use

Private property shall not be taken, destroyed or damaged for public use without just compensation therefore, first paid or secured.[1]

Text of Section 14:

Military Power Subordinate

The military shall be subordinate to the civil power and no standing army shall be maintained in this state in times of peace.[1]

Text of Section 15:

Lands Allodial; Void Agricultural Leases

All lands within the state are allodial and feudal tenures of every description with all their incidents are prohibited. Leases and grants of agricultural lands for a longer period than 21 years reserving rent or service of any kind shall be void.[1]

Text of Section 16:

Freedom of Conscience; No Preference to Be Given to Any Religious Establishment or Mode of Worship

The enumeration of rights in this constitution shall not deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with

the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies or religious or theological seminaries.[1]

Text of Section 17:

Religious Tests and Property Qualifications Prohibited

No religious test or amount of property shall be required as a qualification for any office of public trust in the state. No religious test or amount of property shall be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.[1]

MISSISSIPPI (MS) BILL OF RIGHTS

PREAMBLE:

We, the people of Mississippi in convention assembled, grateful to Almighty God, and invoking his blessing on our work, do ordain and establish this Constitution.[2]

ARTICLE III :

Article 3 of the Mississippi Constitution is entitled Bill of Rights and consists of 29 sections.

Text of Section 5:

Government Originating in the People

All political power is vested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.[1]

Text of Section 6:

Regulation of Government; Right to Alter

The people of this state have the inherent, sole, and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they deem it necessary to their safety and happiness; provided, such change be not repugnant to the constitution of the United States.[1]

Text of Section 7:

Secession Prohibited

The right to withdraw from the Federal Union on account of any real or supposed grievance, shall never be assumed by this state, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this state to the government of the United States.[1]

Text of Section 8:

Citizens of State

All persons, resident in this state, citizens of the United States, are hereby declared citizens of the state of Mississippi.[1]

Text of Section 9:

Subordination of Military to Civil Power

The military shall be in strict subordination to the civil power.[1]

Text of Section 10:

Treason

Treason against the state shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.[1]

Text of Section 11:

Peaceful Assemblage; Right to Petition Government

The right of the people peaceably to assemble and petition the government on any subject shall never be impaired.[1]

Text of Section 12:

Right to Bear Arms

The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.[1]

Text of Section 12A:

The people have the right to hunt, fish and harvest wildlife, including by the use of traditional methods, subject only to laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing, as the Legislature may prescribe by general law. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. This section may not be construed to modify any provision of law relating to trespass, property rights, the regulation of commercial activities or the maintenance of levees pursuant to Article 11.[1]

Amendments

Created by the approval of Mississippi Right to Hunt and Fish Amendment, HCR 30 (2014) on November 4, 2014.

Text of Section 13:

Freedom of Speech and Press; Libel

The freedom of speech and of the press shall be held sacred; and in all prosecutions for libel the truth may be given in evidence, and the jury shall determine the law and the facts under the direction of the court; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.[1]

Text of Section 14:

Due Process

No person shall be deprived of life, liberty, or property except by due process of law.[1]

Text of Section 15:

Slavery and Involuntary Servitude Prohibited; Punishment for Crime

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.[1]

Text of Section 16:

Ex Post Facto Laws; Impairment of Contract

Ex post facto laws, or laws impairing the obligation of contracts, shall not be passed.[1]

Text of Section 17:

Taking Property for Public Use; Due Compensation

Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public.[1]

Text of Section 18:

Freedom of Religion

No religious test as a qualification for office shall be required; and no preference shall be given by law to any religious sect or mode of worship; but the free enjoyment of all religious sentiments and the different modes of worship shall be held sacred. The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the state, or to exclude the Holy Bible from use in any public school of this state.[1]

Text of Section 19:

Repealed.[1]

NOTE: Former Section 19 prohibited dueling and both disenfranchised and disqualified persons involved in a duel from holding public office.

Amendments

The repeal of Section 19 was proposed by Laws of 1977, ch. 584, Senate Concurrent Resolution No. 528, and upon ratification by the electorate on November 7, 1978, was deleted from the Constitution by proclamation of the Secretary of State on December 22, 1978.

Text of Section 20:

Specific Term of Office

No person shall be elected or appointed to office in this state for life or during good behavior, but the term of all officers shall be for some specified period.[1]

Text of Section 21:

Writ of Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended, unless when in the case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.[1]

Text of Section 22:

Double Jeopardy

No person's life or liberty shall be twice placed in jeopardy for the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.[1]

Text of Section 23:

Searches and Seizures

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.[1]

Text of Section 24:

Open Courts; Remedy for Injury

All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice shall be administered without sale, denial, or delay.[1]

Text of Section 25:

Access to Courts

No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in the state, by him or herself, or counsel, or both.[1]

Text of Section 26:

Rights of Accused; State Grand Jury Proceedings

In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment 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; but in prosecutions for rape, adultery, fornication, sodomy or crime against nature the court may, in its discretion, exclude from the courtroom all persons except such as are necessary in the conduct of the trial. Notwithstanding any other provisions of this Constitution, the Legislature may enact laws establishing a state grand jury with the authority to return indictments regardless of the county where the crime was committed. The subject matter jurisdiction of a state grand jury is limited to criminal violations of the Mississippi Uniform Controlled Substances Law or any other crime involving narcotics, dangerous drugs or controlled substances, or any crime arising out of or in connection with a violation of the Mississippi Uniform Controlled Substances Law or a crime involving narcotics, dangerous drugs or controlled substances if the crime occurs within more than one (1) circuit court district of the state or transpires or has significance in more than one (1) circuit court district of the state. The venue for the trial of indictments returned by a state grand jury shall be as prescribed by general law.[1]

Amendments

The 1994 amendment to Section 26 was proposed by Laws 1994, ch. 668, House Concurrent Resolution No. 79, of the 1994 regular session of the Legislature, and upon ratification by the electorate on November 8, 1994, was inserted by proclamation of the Secretary of State on December 9, 1994.

Text of Section 26-A:

Victims' Rights; Construction of Provisions; Legislative Authority

(1) Victims of crime, as defined by law, shall have the right to be treated with fairness, dignity and respect throughout the criminal justice process; and to be informed, to be present and to be heard, when authorized by law, during public hearings.

(2) Nothing in this section shall provide grounds for the accused or convicted offender to obtain any form of relief nor shall this section impair the constitutional rights of the accused. Nothing in this section of any enabling statute shall be construed as creating a cause of action for damages against the state or any of its agencies, officials, employee or political subdivisions.

(3) The Legislature shall have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section.[1]

Amendments

The 1998 amendment adding a new section was proposed by Senate Concurrent Resolution No. 513, Laws 1998, ch. 691 of the 1998 regular session of the Legislature, and upon ratification by the electorate on November 8, 1998, was inserted by proclamation of the Secretary of State on November 30, 1998.

Text of Section 27:

Proceeding by Indictment or Information

No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the military when in actual service, or by leave of the court for misdemeanor in office or where a defendant represented by counsel by sworn statement waives indictment; but the legislature, in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justice court judges, or such other inferior court or courts as may be established, and the proceedings in such cases shall be regulated by law.[1]

Amendments

The 1977 amendment to Section 27 was proposed by Laws 1997, ch. 590, Senate Concurrent Resolution No. 590, of the 1977 regular session of the Legislature, and upon ratification by the electorate on November 7, 1978, was inserted by proclamation of the Secretary of State on December 22, 1978.

Text of Section 28:

Cruel or Unusual Punishment Prohibited

Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.[1]

Text of Section 29:

Excessive Bail Prohibited; Revocation or Denial of Bail

(1) Excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses (a) when the proof is evident or presumption great; or (b) when the person has previously been convicted of a capital

offense or any other offense punishable by imprisonment for a maximum of twenty (20) years or more.

(2) If a person charged with committing any offense that is punishable by death, life imprisonment or imprisonment for one (1) year or more in the penitentiary or any other state correctional facility is granted bail and (a) if that person is indicted for a felony committed while on bail; or (b) if the court, upon hearing, finds probable cause that the person has committed a felony while on bail, then the court shall revoke bail and shall order that the person be detained, without further bail, pending trial of the charge for which bail was revoked. For the purposes of this subsection (2) only, the term "felony" means any offense punishable by death, life imprisonment or imprisonment for more than five (5) years under the laws of the jurisdiction in which the crime is committed. In addition, grand larceny shall be considered a felony for the purposes of this subsection.

(3) In the case of offenses punishable by imprisonment for a maximum of twenty (20) years or more or by life imprisonment, a county or circuit court judge may deny bail for such offenses when the proof is evident or the presumption great upon making a determination that the release of the person or persons arrested for such offense would constitute a special danger to any other person or to the community or that no condition or combination of conditions will reasonably assure the appearance of the person as required.

(4) In any case where bail is denied before conviction, the judge shall place in the record his reasons for denying bail. Any person who is charged with an offense punishable by imprisonment for a maximum of twenty (20) years or more or by life imprisonment and who is denied bail prior to conviction shall be entitled to an emergency hearing before a justice of the Mississippi Supreme Court. The provisions of this subsection (4) do not apply to bail revocation orders.[1]

Amendments

The 1987 amendment to Section 29, Laws 1987, ch 674, was proposed by Senate Concurrent Resolution No. 534, of the 1987 regular session of the Legislature, and upon ratification by the electorate on November 8, 1987, was inserted by proclamation of the Secretary of State on December 4, 1987.

The 1995 amendment to Section 29 was proposed by Laws 1995, ch. 636, House Concurrent Resolution No. 42, of the 1995 regular session of the Legislature, and upon ratification by the electorate on November 7, 1995, by proclamation of the Secretary of State on December 5, 1995.

Text of Section 30:

Imprisonment for Debt

There shall be no imprisonment for debt.[1]

Text of Section 31:

Trial by Jury

The right of trial by jury shall remain inviolate, but the legislature may, by enactment, provide that in all civil suits tried in the circuit and chancery court, nine or more jurors may agree on the verdict and return it as the verdict of the jury.[1]

Text of Section 32:

Construction of Enumerated Rights

The enumeration of rights in this constitution shall not be construed to deny and impair others retained by, and inherent in, the people.[1]

MISSOURI (MO) BILL OF RIGHTS

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.[1]

ARTICLE I:

Article I of the Missouri Constitution is entitled Bill of Rights and consists of 35 sections.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 5:**Religious Freedom--Liberty of Conscience and Belief--Limitation**

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 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.[1]

Amendments

Amended with the approval of Missouri Public Prayer Amendment, Amendment 2 (August 2012) on August 7, 2012.

Text of Section 6:**Practice and Support of Religion Not Compulsory--Contracts Therefor Enforcible**

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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 10:

Due Process of Law

That no person shall be deprived of life, liberty or property without due process of law.[1]

Text of Section 11:

Imprisonment for Debt

That no person shall be imprisoned for debt, except for nonpayment of fines and penalties imposed by law.[1]

Text of Section 12:

Habeas Corpus

That the privilege of the writ of habeas corpus shall never be suspended.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Amended by the approval of Missouri Electronic Data Protection, Amendment 9 (August 2014) on August 5, 2014.

Text of 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.[1]

Text of 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.[1]

Text of 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 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.[1]

Text of 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.[1]

Text of Section 18(c):

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.[1]

Amendments

Created by the approval of Missouri Evidence in Sexual Crimes Against Minors, Amendment 2 (2014) on November 4, 2014.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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 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.[1]

Text of 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.[1]

Text of Section 23:

Right to Keep and Bear Arms--Exception

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 duly adjudged mentally infirm by a court of competent jurisdiction.[1]

Amendments

Amended by the approval of Missouri Right to Bear Arms, Amendment 5 (August 2014) on August 5, 2014.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 32:

Crime victims' rights

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.

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 supersede 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.[1]

Amendments

Adopted with the approval of Missouri Crime Victim Rights, Amendment 4 (1992) on November 3, 1992.

Text of Section 33:

Marriage, Validity and Recongnition

That to be valid and recognized in this state, a marriage shall exist only between a man and a woman.[1]

Amendments

Adopted with the approval of Missouri Marriage Definition, Amendment 2 (August 2004) on August 3, 2004.

Text of 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.[1]

Amendments

Adopted with the approval of Missouri English Official Language, Constitutional Amendment 1 (2008) on November 4, 2008.

Text of Section 35:

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.[1]

Amendments

**Adopted with the approval of Missouri Right-to-Farm, Amendment 1 (August 2014)
on August 5, 2014.**

MONTANA (MT) BILL OF RIGHTS

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.[1]

ARTICLE II:

Article II of the Montana Constitution is entitled Declaration of Rights and consists of 35 sections.

Text of Section 1:

Popular Sovereignty

All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.[1]

Text of Section 2:

Self-Government

The people have the exclusive right of governing themselves as a free, sovereign, and independent state. They may alter or abolish the constitution and form of government whenever they deem it necessary.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 5:

Freedom of Religion

The state shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.[1]

Text of Section 6:

Freedom of Assembly

The people shall have the right peaceably to assemble, petition for redress or peaceably protest governmental action.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 11:

Searches and Seizures

The people shall be secure in their persons, papers, electronic data and communications, homes and effects from unreasonable searches and seizures. No warrant to search any place, to seize any person or thing, or to access electronic data or communications 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.[1]

Amendments

Amended with the approval of C-48 on November 8, 2022.

Text of 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.[1]

Text of 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.[1]

Text of Section 14:

Adult Rights

A person 18 years of age or older is an adult for all purposes, except that the legislature or the people by initiative may establish the legal age for purchasing, consuming, or possessing alcoholic beverages and marijuana.[1]

Amendments

Amended with the approval of Amendment No. 7 on November 7, 1978.

Amended with the approval of Amendment No. 16 on November 4, 1986.

Amended with the approval of CI-118 on November 3, 2020.

Text of 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.[1]

Text of 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.[1]

Text of Section 17:

Due Process of Law

No person shall be deprived of life, liberty, or property without due process of law.[1]

Text of Section 18:

State Subject to Suit

The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property, except as may be specifically provided by law by a 2/3 vote of each house of the legislature.[1]

Amendments

Amended with the approval of Amendment No. 2 on November 5, 1974.

Text of Section 19:

Habeas Corpus

The privilege of the writ of habeas corpus shall never be suspended.[1]

Text of 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.[1]

Text of Section 21:

Bail

All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.[1]

Text of Section 22:

Excessive Sanctions

Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishments inflicted.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 28:

Criminal Justice Policy -- Rights of the Convicted

(1) Laws for the punishment of crime shall be founded on the principles of prevention, reformation, public safety, and restitution for victims.

(2) Full rights are restored by termination of state supervision for any offense against the state.[1]

Amendments

Amended with the approval of Montana Criminal Law Basis, Amendment C-33 (1998) on November 3, 1998.

Text of 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.[1]

Text of 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.[1]

Text of Section 31:

Ex Post Facto, Obligation of Contracts, and Irrevocable Privileges

No ex post facto law nor any law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises, or immunities, shall be passed by the legislature.[1]

Text of 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.[1]

Text of Section 33:

Importation of Armed Persons

No armed person or persons or armed body of men shall be brought into this state for the preservation of the peace, or the suppression of domestic violence, except upon the application of the legislature, or of the governor when the legislature cannot be convened.[1]

Text of 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.[1]

Text of Section 35:

Servicemen, Servicewomen, and Veterans

The people declare that Montana servicemen, servicewomen, and veterans may be given special considerations determined by the legislature.[1]

Text of Section 36:

Rights of crime victims

(1) To preserve and protect a crime victim's right to justice, to ensure a crime victim has a meaningful role in criminal and juvenile justice systems, and to ensure that a crime victim's rights and interests are respected and protected by law in a manner no less vigorous than the protections afforded to a criminal defendant and a delinquent youth, a crime victim has the following rights, beginning at the time of victimization:

- (a) to due process and to be treated with fairness and respect for the victim's dignity;
- (b) to be free from intimidation, harassment, and abuse;
- (c) to be reasonably protected from the accused and any person acting on the accused's behalf;
- (d) to have the victim's safety and welfare considered when setting bail and making release decisions;

- (e) to prevent the disclosure of information that could be used to locate or harass the victim or that contains confidential or privileged information about the victim;
 - (f) to privacy, including the right to refuse an interview, deposition, or other discovery request and to set reasonable conditions on the conduct of any interaction to which the victim consents;
 - (g) to receive reasonable, accurate, and timely notice of and to be present at all proceedings involving the criminal conduct, plea, sentencing, adjudication, disposition, release, or escape of the defendant or youth accused of delinquency and any proceeding implicating the rights of the victim;
 - (h) to be promptly notified of any release or escape of the accused;
 - (i) to be heard in any proceeding involving the release, plea, sentencing, disposition, adjudication, or parole of the defendant or youth accused of delinquency and any proceeding implicating the rights of the victim;
 - (j) to confer with the prosecuting attorney;
 - (k) to provide information regarding the impact the offender's conduct had on the victim for inclusion in the presentence or predisposition investigation report and to have the information considered in any sentencing or disposition recommendations submitted to the court;
 - (l) to receive a copy of any presentence report and any other report or record relevant to the exercise of a right of the victim, except for those portions made confidential by law;
 - (m) to the prompt return of the victim's property when no longer needed as evidence in the case;
 - (n) to full and timely restitution. All money and property collected from a person who has been ordered to make restitution must be applied first to the restitution owed to the victim before paying any amounts owed to the government.
 - (o) to proceedings free from unreasonable delay and to a prompt and final conclusion of the case and any related postjudgment proceedings;
 - (p) to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the offender, including any scheduled release date, actual release date, or escape;
 - (q) to be informed of clemency and expungement procedures; to provide information to the Governor, the court, any clemency board, or any other authority and to have that information considered before a decision is made; and to be notified of any decision before the release of the offender; and
 - (r) to be informed of the above rights and to be informed that the victim may seek the advice and assistance of an attorney with respect to the above rights. This information must be made available to the general public and provided to all crime victims on what is referred to as a Marsy's card.
- (2) A victim, the victim's attorney, the victim's legal representative, or the prosecuting attorney at the request of the victim may assert and seek enforcement of the rights enumerated in this section and any other right afforded to the victim by law in any trial or appellate court or any other authority with jurisdiction over the case as a matter of right. The court or other authority shall act promptly on the request, 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 must be clearly stated on the record.

(3) This section may not be construed to deny or disparage other rights possessed by victims. This section applies to criminal and youth court proceedings, is self-executing, and requires no further action by the Legislature.

(4) As used in this section, the following definitions apply:

(a) "Crime" means an act defined as a felony, misdemeanor, or delinquency under state law.

(b) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime.

(i) The term includes:

(A) a spouse, parent, grandparent, child, sibling, grandchild, or guardian of the victim;

(B) a person with a relationship to the victim that is substantially similar to a relationship described in subsection (4)(b)(i)(A); and

(C) a representative of a victim who is a minor or who is deceased, incompetent or incapacitated.

(ii) The term does not include the accused or a person who the court believes would not act in the best interests of a minor or of a victim who is deceased, incompetent or incapacitated.[1]

NEBRASKA (NE) BILL OF RIGHTS

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.[1]

ARTICLE I:

Article I of the Nebraska Constitution contains 30 sections.

Text of Section 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.[1]

Amendments

Amended in 1988 with the approval of Initiative Measure No. 403.

Text of Section 2:

Slavery Prohibited

There shall be neither slavery nor involuntary servitude in this state.[1]

Amendments

Amended with the approval of Amendment 1 on November 3, 2020.

Text of Section 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.[1]

Amendments

Amended in 1998, Laws 1997, LR 20CA, sec. 1.

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

Amended in 1920 by Constitutional Convention, 1919-1920, No. 1.

Text of Section 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.[1]

Text of Section 8:

Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended.[1]

Amendments

Amended in 1998 with the approval of Nebraska Habeas Corpus, Amendment 4 (May 1998) (Laws 1997, LR 30CA, sec. 1).

Text of Section 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.[1]

Amendments

Amended in 1978, Laws 1978, LB 553, sec. 1.

Text of Section 10:

Presentment or Indictment by Grand Jury; Information

No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual

service in time of war or public danger, unless on a presentment or indictment of a grand jury; Provided, That the Legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law, abolish, limit, change, amend, or otherwise regulate the grand jury system.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

Amended in 1996 with the approval of Nebraska Enforcement of Dispute Resolution, Amendment 1 (May 1996) (Laws 1995, LR 1CA, sec. 1).

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 17:

Military Subordinate

The military shall be in strict subordination to the civil power.[1]

Text of Section 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.[1]

Text of Section 19:

Soldiers Quarters

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.[1]

Text of Section 20:

Imprisonment for Debt Prohibited

No person shall be imprisoned for debt in any civil action on mesne or final process.[1]

Amendments

Amended in 1998 with the approval of Nebraska Imprisonment for Fraud Debt, Amendment 3 (May 1998) (Laws 1997, LR 26CA, sec. 1).

Text of Section 21:

Private Property Compensated for

The property of no person shall be taken or damaged for public use without just compensation therefore.[1]

Text of Section 22:

Elections to Be Free

(1.) 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.

(2.) Before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner specified by the Legislature to ensure the preservation of an individual's rights under this Constitution and the Constitution of the United States.

Amendments

Amended with the approval of Initiative 432 on November 8, 2022.

Text of Section 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.[1]

Amendments

Amended in 1972, Laws 1972, LB 196, sec. 1.

Amended in 1990 with the approval of Nebraska Right to Appeal and Appellate Courts, Amendment 2 (1990) (Laws 1990, LR 8, sec. 1).

Text of Section 24:

Capital Cases; Right of Direct Appeal; Effect; Other Cases; Right of Appeal

Repealed.[1]

Amendments

Repealed in 1990, Laws 1990, LR 8, sec. 1.

Text of Section 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 property. The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law.[1]

Amendments

Amended in 1920 by Constitutional Convention, 1919-1920, No. 2.

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

Amended in 1920 by Constitutional Convention, 1919-1920, No. 3.

Text of Section 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.[1]

Amendments

Adopted in 1996 with the approval of Nebraska Crime Victim Rights, Amendment 3 (May 1996) (Laws 1995, LR 21CA, sec. 1).

Text of Section 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.[1]

Amendments

Adopted in 2000 with the approval of Nebraska Marriage Definition Amendment, Initiative 416 (2000) (Initiative Measure No. 416).

Text of Section 30:

Discrimination or Grant of Preferential Treatment Prohibited; Public Employment, Public Education, or Public Contracting; Section, How Construed; Remedies

(1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(2) This section shall apply only to action taken after the section's effective date.

(3) Nothing in this section prohibits bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(4) Nothing in this section shall invalidate any court order or consent decree that is in force as of the effective date of this section.

(5) Nothing in this section prohibits action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.

(6) For purposes of this section, state shall include, but not be limited to:

(a) the State of Nebraska;

(b) any agency, department, office, board, commission, committee, division, unit, branch, bureau, council, or sub-unit of the state;

(c) any public institution of higher education;

(d) any political subdivision of or within the state; and

(e) any government institution or instrumentally of or within the state.

(7) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Nebraska's antidiscrimination law.

(8) This section shall be self executing. If any part or parts of this section are found to be in conflict with federal law or the Constitution of the United States, this section shall be implemented to the maximum extent that federal law and the Constitution of the United States permit. Any provision held invalid shall be severable from the remaining portions of this section.[1]

Amendments

Adopted in 2008 with the approval of Nebraska Civil Rights Initiative, 424 (2008) (Initiative Measure No. 424).

NEVADA (NV) BILL OF RIGHTS

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.[2]

ARTICLE I:

Article 1 of the Nevada Constitution is entitled Declaration of Rights and consists of 22 sections.

Text of 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 4:

Liberty of Conscience

The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State, and no person shall be

rendered incompetent to be a witness on account of his opinions on matters of his religious belief, but the liberty of conscience [conscience] hereby secured, shall not be so construed, as to excuse acts of licentiousness or justify practices inconsistent with the peace, or safety of this State.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

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; Statutes of Nevada 1979, p. 1941.

Text of Section 8:

Rights of Accused in Criminal Prosecutions; Jeopardy; Rights of Victims of Crime; 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.[1]

Amendment

Amended in 1912 and 1996. 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; Statutes of Nevada 1995, p. 2880.

Amended with the approval of Nevada Question 1, Marsy's Law Crime Victims Rights Amendment (2018) on November 6, 2018.

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

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; Statutes of Nevada 1981, p. 2083.

Text of Section 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.[1]

Text of Section 13:

Representation Apportioned According to Population

Representation shall be apportioned according to population.[1]

Text of Section 14:

Exemption of Property from Execution; Imprisonment for Debt

The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; And there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned [imprisoned] for a Militia fine in time of Peace.[1]

Text of Section 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.[1]

Text of Section 16:

Rights of Foreigners

Repealed.[1]

Amendments

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; Statutes of Nevada 1923, p. 407. 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.”

Text of Section 17:

Slavery and Involuntary Servitude Prohibited

Neither Slavery nor involuntary servitude unless for the punishment of crimes shall ever be tolerated in this State.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 20:

Rights Retained by People

This enumeration of rights shall not be construed to impair or deny others retained by the people.[1]

Text of Section 21:

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.[1]

Amendments

Added in 2002. Proposed by initiative petition and approved and ratified by the people at the 2000 and 2002 general elections.

Amended with the approval of Nevada Question 2 on November 3, 2020.

Text of Section 22:

Eminent Domain Proceedings: Restrictions and Requirements

[Effective through November 22, 2010, and after that date unless the proposed repeal is agreed to and passed by the 2009 Legislature and approved and ratified by the voters at the 2010 General Election.] 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.[1]

Amendments

Added in 2008. Proposed by initiative petition and approved and ratified by the people at the 2006 and 2008 General Elections.]—(Proposed repeal passed by the 2007 Legislature; effective November 23, 2010, if agreed to and passed by the 2009 Legislature and approved and ratified by the voters at the 2010 General Election. See Statutes of Nevada 2007, p. 3598.

Text of Section 23:

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.[1]

Amendments

Added with the approval of Nevada Question 1, Marsy's Law Crime Victims Rights Amendment (2018) on November 6, 2018.

Text of Section 24:

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.

Amendments

Section 24 was added with the approval of Question 1 on November 8, 2022.

NEW HAMPSHIRE (NH) BILL OF RIGHTS

PREAMBLE:

Does not have a Preamble

Part First:

Part First of the New Hampshire Constitution consists of 39 articles.

Text of 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1974 adding sentence to prohibit discrimination.

Text of Article 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.[1]

Text of Article 2-b:

Right to Privacy

An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.[1]

Amendments

Added with the approval of New Hampshire Question 2, Right to Live Free from Governmental Intrusion in Private and Personal Information Amendment (2018) on November 6, 2018.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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 peers on, 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.[1]

Text of Article 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 a ny one sect, denomination or persuasion to another shall ever be established.[1]

Amendments

Amended in 1968 to remove obsolete sectarian references.

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1976 by providing right of access to governmental proceedings and records.

Amended with the approval of New Hampshire Question 1, Taxpayer Standing to Bring Legal Actions Against Government Amendment (2018) on November 6, 2018.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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 therefore, 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.[1]

Amendments

Amended in 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 in 1912 to prohibit those convicted of treason, bribery or willfull violation of the election laws from voting or holding elective office.

Amended in 1942 to provide for absentee voting in general elections.

Amended in 1956 to provide for absentee voting in primary elections.

Amended in 1968 to provide right to vote not denied because of nonpayment of taxes. Also amended in 1968 to delete an obsolete phrase.

Amended in 1976 to reduce voting age to 18.

Amended in 1984 to provide accessibility to all registration and polling places.

Text of Article 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.[1]

Amendments

Amended in 1964 by striking out reference to buying one's way out of military service.

Text of Article 12:

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.[1]

Amendments

Added on November 7, 2006.

Text of Article 13:

Conscientious Objectors not Compelled to Bear Arms

No person, who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto.[1]

Amendments

Amended in 1964 by striking out reference to buying one's way out of military service.

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1966 to provide the right to counsel at state expense if the need is shown.

Amended in 1984 reducing legal requirement proof beyond a reasonable doubt to clear and convincing evidence in insanity hearings.

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1792 to change "assembly" to: legislature.

Amended in 1978 so that court at defendant's request may change trial to another county or judicial district.

Text of Article 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.[1]

Amendments

Amended in 1792 deleting "those of" after do in 3d sentence and changing "dye" to: offenses.

Text of Article 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.[1]

Amendments

Amended in 1792 to change order of words.

Text of Article 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.[1]

Amendments

Amended in 1877 to prohibit jury trials unless the amount in controversy exceeds \$100.

Amended in 1960 to increase the amount to \$500 before a jury trial may be requested.

"Cases" appears in 1792 parchment copy of constitution. Original constitution had "causes." Amended in 1988 to change \$500 to \$1,500

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1968 to include free speech.

Text of Article 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.[1]

Text of Article 24:

Militia

A well regulated militia is the proper, natural, and sure defense, of a state.[1]

Text of Article 25:

Standing Armies

Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the legislature.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1980 substituting "authorities" for "magistrate."

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Added on November 28, 1984.

Text of Article 29:

Mandated Programs

[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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1792 generally rewording sentence and omitting "for correcting, strengthening and confirming the laws."

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Amended in 1792 to provide for age limitation as provided by the constitution.

Text of Article 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.[1]

Text of Article 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 there from, 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.[1]

Amendments

Added on November 28, 1984.

Text of Article 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.[1]

Text of Article 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.[1]

Text of Article 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.[1]

Amendments

Added on November 16, 1966.

NEW JERSEY (NJ) BILL OF RIGHTS

PREAMBLE:

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.[4]

ARTICLE I:

Article I of the New Jersey Constitution is entitled Rights and Privileges and consists of a single section with 22 paragraphs.

Article I has been amended five times, most recently in 2013.

Paragraph 2 was amended effective January 1, 1994.

Paragraph 9 was amended effective December 4, 1973.

Paragraph 12 was amended effective December 3, 1992.

Paragraph 22 was added to the Article, effective December 5, 1991.

Paragraph 23 was added to the Article, effective January 1, 2014.

Paragraph 1:

1. All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.[1]

Paragraph 2:

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

b. The people reserve unto themselves the power to recall, after at least one year of service, any elected official in this State or representing this State in the United States Congress. The Legislature shall enact laws to provide for such recall elections. Any such laws shall include a provision that a recall election shall be held upon petition of at least 25% of the registered voters in the electoral district of the official sought to be recalled. If legislation to implement this constitutional amendment is not enacted within one year of the adoption of the amendment, the Secretary of State shall, by regulation, implement the constitutional amendment, except that regulations adopted by the Secretary of State shall be superseded by any subsequent legislation consistent with this constitutional amendment governing recall elections. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.[1]

Amendments

Amended with the approval of New Jersey Right of Recall, Public Question 1 (1993) in 1993.

Paragraph 3:

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right or has deliberately and voluntarily engaged to perform.[1]

Paragraph 4:

4. There shall be no establishment of one religious sect in preference to another; no religious or racial test shall be required as a qualification for any office or public trust.[1]

Paragraph 5:

5. No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.[1]

Paragraph 6:

6. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.[1]

Paragraph 7:

7. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.[1]

Paragraph 8:

8. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases now prosecuted without indictment, or arising in the army or navy or in the militia, when in actual service in time of war or public danger.[1]

Paragraph 9:

9. The right of trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil causes by a jury of six persons. The Legislature may provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of mental incompetency without a jury.[1]

Paragraph 10:

10. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel in his defense.[1]

Paragraph 11:

11. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be eligible for pretrial release. Pretrial release may be denied to a person if the court finds that no amount of monetary bail, non-monetary conditions of pretrial release, or combination of monetary bail and non-monetary conditions would reasonably assure the person's appearance in court when required, or protect the safety of any other person or the community, or prevent the person from obstructing or attempting to obstruct the criminal justice process. It shall be lawful for the Legislature to establish by law procedures, terms, and conditions applicable to pretrial release and the denial thereof authorized under this provision.[1]

Amendments

Amended by the approval of New Jersey Pretrial Detention Amendment, Public Question No. 1 (2014) on November 4, 2014.

Paragraph 12:

12. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted. It shall not be cruel and unusual punishment to impose the death penalty on a person convicted of purposely or knowingly causing death or purposely or knowingly causing serious bodily injury resulting in death who committed the homicidal act by his own conduct or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value.[1]

Paragraph 13:

13. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.[1]

Paragraph 14:

14. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.[1]

Paragraph 15:

15. The military shall be in strict subordination to the civil power.[1]

Paragraph 16:

16. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in a manner prescribed by law.[1]

Paragraph 17:

17. 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.[1]

Paragraph 18:

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.[1]

Paragraph 19:

19. Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.[1]

Paragraph 20:

20. Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners.[1]

Paragraph 21:

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.[1]

Paragraph 22:

22. A victim of a crime shall be treated with fairness, compassion and respect by the criminal justice system. A victim of a crime shall not be denied the right to be present at public judicial proceedings except when, prior to completing testimony as a witness, the victim is properly sequestered in accordance with law or the Rules Governing the Courts of the State of New Jersey. A victim of a crime shall be entitled to those rights and remedies as may be provided by the Legislature. For the purposes of this paragraph, "victim of a crime" means: a) a person who has suffered physical or psychological injury or has incurred loss of or damage to personal or real property as a result of a crime or an incident involving another person operating a motor vehicle while under the influence of drugs or alcohol, and b) the spouse, parent, legal guardian, grandparent, child or sibling of the decedent in the case of a criminal homicide.[1]

Paragraph 23:

23. Every employer shall, beginning the January 1 next following the date of the approval of this amendment by the people pursuant to Article IX of the Constitution, pay each employee subject to the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), or a successor State statute, a wage rate of not less than the rate required by that act, or \$8.25 per hour, whichever is more. On the September 30 next following the date of the approval of this amendment, and on September 30 of each

subsequent year, the State minimum wage rate shall be increased, effective the following January 1, by any increase during the one year prior to that September 30 in the consumer price index for all urban wage earners and clerical workers (CPI-W) as calculated by the federal government. If, at any time, the federal minimum hourly wage rate set by section 6 of the federal "Fair Labor Standards Act of 1938" (29 U.S.C. s.206), or a successor federal law, is raised to a level higher than the State minimum wage rate, then the State minimum wage rate shall be increased to the level of the federal minimum wage rate and all subsequent increases based on increases in the CPI-W pursuant to this paragraph shall be applied to the State minimum wage rate as increased to match the federal minimum wage rate. This paragraph shall not be construed as altering or amending any provision of the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.) or a successor State statute, other than the hourly rate set by that act, or prohibiting the Legislature from amending that act.[1] .

Amendments

Added with the approval of Public Question 2 in 2013.

NEW MEXICO (NM) BILL OF RIGHTS

PREAMBLE:

We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution.[1]

ARTICLE II:

Article II of the New Mexico Constitution is entitled Bill of Rights and consists of 24 sections

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]

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]

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]

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]

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]

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]

Amendments

Amended on November 2, 1971 and November 2, 1986.

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]

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]

Text of Section 9:

Military Power Subordinate; Quarters 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]

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]

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]

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]

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]

Amendments

Amended on November 4, 1980.

Amended on November 8, 1988.

Amended on November 8, 2016, via voter approval of Constitutional Amendment 1.

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]

Amendments

Amended on November 4, 1924, effective January 1, 1925.

Amended on November 4, 1980.

Amended on November 8, 1994.

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]

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]

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]

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]

Amendments

Amended on November 7, 1972, effective July 1, 1973.

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]

Text of Section 20:

Eminent Domain

Private property shall not be taken or damaged for public use without just compensation.[1]

Text of Section 21:

Imprisonment for Debt

No person shall be imprisoned for debt in any civil action.[1]

Text of Section 22:

Alien Landownership

Repealed.[1]

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]

Text of Section 24:

Victim's Rights

A. A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration, criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim's representative shall have the following rights as provided by law:

- (1) the right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;
- (2) the right to timely disposition of the case;
- (3) the right to be reasonably protected from the accused throughout the criminal justice process;
- (4) the right to notification of court proceedings;
- (5) the right to attend all public court proceedings the accused has the right to attend;
- (6) the right to confer with the prosecution;
- (7) the right to make a statement to the court at sentencing and at any post-sentencing hearings for the accused;
- (8) the right to restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;
- (9) the right to information about the conviction, sentencing, imprisonment, escape or release of the accused;

(10) the right to have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause; and (11) the right to promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property.

B. A person accused or convicted of a crime against a victim shall have no standing to object to any failure by any person to comply with the provisions of Subsection A of Section 24 of Article 2 of the constitution of New Mexico.

C. The provisions of this amendment shall not take effect until the legislature enacts laws to implement this amendment.[1]

Amendments

Added on November 3, 1992.

NEW YORK (NY) BILL OF RIGHTS

PREAMBLE:

We The People of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION.[1]

ARTICLE I:

Article I of the New York Constitution is entitled Bill of Rights and consists of 18 sections, three of which have been repealed

Text of Section 1:

Rights, Privileges and Franchise Secured; Power of Legislature to Dispense with Primary Elections in Certain Cases

No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his 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.[1]

Amendments

Amended by vote of the people on November 3, 1959.

Amended by vote of the people on November 6, 2001.

Text of Section 2:

Trial by Jury; How Waived

Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law. The legislature may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. A jury trial may be waived by the defendant in all criminal cases, except those in which the crime charged may be punishable by death, by a written instrument signed by the defendant in person in open court before and with the approval of a judge or justice of a court having jurisdiction to try the offense. The legislature may enact laws, not inconsistent herewith, governing the form, content, manner and time of presentation of the instrument effectuating such waiver.[1]

Amendments

Amended by the Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.

Text of Section 3:

Freedom of Worship; Religious Liberty

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all 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.[1]

Amendments

Amended by vote of the people on November 6, 2001.

Text of Section 4:

Habeas Corpus

The privilege of a writ or order of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it.[1]

Amendments

Amended by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Text of Section 5:

Bail; Fines; Punishments; Detention of Witnesses

Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.[1]

Text of Section 6:

Grand Jury; Protection of Certain Enumerated Rights; Duty of Public Officers to Sign Waiver of Immunity and Give Testimony; Penalty for Refusal

No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land, air and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny under the regulation of the legislature), unless on indictment of a grand jury, except that 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.[1]

Amendments

Amended by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Amended by vote of the people on November 8, 1949.

Amended by vote of the people on November 3, 1959.

Amended by vote of the people on November 6, 1973.

Amended by vote of the people on November 6, 2001.

Text of Section 7:

Compensation for Taking Private Property; Private Roads; Drainage of Agricultural Lands

(a) Private property shall not be taken for public use without just compensation.

(c) Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceedings, shall be paid by the person to be benefited.

(d) The use of property for the drainage of swamp or agricultural lands is declared to be a public use, and general laws may be passed permitting the owners or occupants of swamp or agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions, on making just compensation, and such compensation together with the cost of such drainage may be assessed, wholly or partly, against any property benefited thereby; but no special laws shall be enacted for such purposes.[1]

Amendments

Amended by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Subdivision (e) repealed by vote of the people on November 5, 1963.

Subdivision (b) repealed by vote of the people on November 3, 1964.

Text of Section 8:

Freedom of Speech and Press; Criminal Prosecutions for Libel

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.[1]

Amendments

Amended by vote of the people on November 6, 2001.

Text of Section 9:

Right to Assemble and Petition; Divorce; Lotteries; Pool-Selling and Gambling; Laws to Prevent; Pari-Mutual Betting on Horse Races Permitted; Games of Chance, Bingo or Lotto Authorized under Certain Restrictions

1. No law shall be passed abridging the rights of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; except as hereinafter provided, no lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling, except lotteries operated by the state and the sale of lottery tickets in connection therewith as may be authorized and prescribed by the legislature, the net proceeds of which shall be applied exclusively to or in aid or support of education in this state as the legislature may prescribe, except pari-mutual 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.[1]

Amendments

Amended by vote of the people on November 7, 1939.

Amended by vote of the people on November 5, 1957.

Amended by vote of the people on November 8, 1966.

Amended by vote of the people on November 4, 1975.

Amended by vote of the people on November 6, 1984.

Amended by vote of the people on November 6, 2001.

Amended with the approval of [New York Casino Gambling Amendment, Proposal 1 (2013)] by vote of the people on November 5, 2013.

Text of Section 10:

Repealed

Repealed."[1]

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.

Text of Section 11:

Equal Protection of Laws; Discrimination in Civil Rights Prohibited

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his 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.[1]

Amendments

Adopted by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Amended by vote of the people on November 6, 2001.

Text of Section 12:

Security Against Unreasonable Searches, Seizures and Interceptions

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

The right of the people to be secure against unreasonable interception of telephone and telegraph communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof.[1]

Amendments

Adopted by the Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Text of Section 13:

Repealed

Repealed.[1]

Section 13 which dealt with purchase of lands of Indians was repealed by amendment approved by vote of the people on November 6, 1962.

Text of Section 14:

Common Law and Acts of the Colonial and State Legislatures

Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred seventy-five, and the resolutions of the congress of the said colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.[1]

Amendments

Formerly §16. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Text of Section 15:

Repealed

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 on November 6, 1962.[1]

Text of Section 16:

Damages for Injuries Causing Death

The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation.[1]

Amendments

Formerly §18. Renumbered by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Text of Section 17:

Labor Not a Commodity; Hours and Wages in Public Work; Right to Organize and Bargain Collectively

Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.

No laborer, 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.[1]

Amendments

Adopted by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Amended by vote of the people on November 6, 2001.

Text of Section 18:

Workers' Compensation

Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or 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 therefore 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.[1]

Amendments

Formerly §19. Renumbered by Constitutional Convention of 1938 and approved by vote of the people on November 8, 1938.

Amended by vote of the people on November 6, 2001.

Text of Section 19:

Environmental rights

Each person shall have a right to clean air and water, and a healthful environment.[1]

Amendments

Ratified by New York Proposal 5 on November 2, 2021.

NORTH CAROLINA (NC) BILL OF RIGHTS

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.[3]

ARTICLE I:

Article I of the North Carolina Constitution is entitled Declaration of Rights and consists of 37 sections

Text of 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 6:

Separation of Powers

The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

Text of Section 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.

Text of Section 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.

Text of Section 9:

Frequent Elections

For redress of grievances and for amending and strengthening the laws, elections shall be often held.

Text of Section 10:

Free Elections

All elections shall be free.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Amendments

Amended by the approval of North Carolina Criminal Defendant May Waive Jury Trial Amendment (2014) on November 4, 2014.

Text of Section 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.

Text of Section 26:

Jury Service

No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Text of Section 27:

Bail, Fines, and Punishments

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

Text of Section 28:

Imprisonment for Debt

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

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 33:

Hereditary Emoluments and Honors

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

Text of Section 34:

Perpetuities and Monopolies

Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

Text of Section 35:

Recurrence to Fundamental Principles

A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Text of Section 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.

Text of Section 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 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 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.}}

Amendments

Amended by the approval of North Carolina Marsy's Law Crime Victims Rights Amendment (2018) on November 6, 2018.

Text of Section 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.

Amendments

Added with the approval of the North Carolina Right to Hunt and Fish Amendment (2018) on November 6, 2018.

NORTH DAKOTA (ND) BILL OF RIGHTS

PREAMBLE:

he people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution.[3]

ARTICLE I:

Article I of the North Dakota Constitution is entitled Declaration of Rights and consists of 24 sections.

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of Section 6:

“Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.[1][2]”

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of 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.[1][2] ”

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of 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.[1][2] ”

Text of 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.[1][2]”

Text of 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.[1][2] ”

Text of 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.[1][2]”

Text of 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.[1][2]”

Text of Section 18:

“No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.[1][2] ”

Text of 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.[1][2]”

Text of 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.[1][2] ”

Text of 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.[1][2] ”

Text of Section 22:

“All laws of a general nature shall have a uniform operation.[1][2] ”

Text of 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.[1][2]”

Text of Section 24:

“The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.[1][2]”

Text of 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:

- a. The right to be treated with fairness and respect for the victim’s dignity.
- b. The right to be free from intimidation, harassment and abuse.
- c. The right to be reasonably protected from the accused and any person acting on behalf of the accused.
- d. The right to have the safety and welfare of the victim and the victim’s family considered when setting bail or making release decisions.

- e. 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.
- f. 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 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 United States Constitution nor diminish the State's disclosure obligations to a defendant.
- g. 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.
- h. The right to be promptly notified of any release or escape of the accused.
- i. 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.
- j. The right, upon request, to confer with the attorney for the government.
- k. 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 recommendation regarding, and to have any such information considered in any sentencing or disposition recommendations.
- l. 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 pre-sentence report or plan of disposition when available to defendant or delinquent child.
- m. The right, upon request, to the prompt return of the victim's property when no longer needed as evidence in the case.
- n. 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.
- o. The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings.
- p. 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.
- q. 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.

r. 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.

s. 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.[1][2]"

Amendments

Added on November 8, 2016, via voter approval of Initiated Constitutional Measure 3.

OHIO (OH) BILL OF RIGHTS

PREAMBLE:

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.[4]

ARTICLE I:

Article I of the Ohio Constitution is entitled Bill of Rights and consists of 23 sections

Text of Section 1:

Inalienable Rights

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.

Text of Section 2:

Right to Alter, Reform, or Abolish Government, and Repeal Special Privileges

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

Text of Section 3:

Right to Assemble

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

Text of Section 4:

Bearing Arms; Standing Armies; Military Power

The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

Text of Section 5:

Trial by Jury

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.

(1851, am. 1912)

Text of Section 6:

Slavery and Involuntary Servitude

There shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime.

Text of Section 7:

Rights of Conscience; Education; the Necessity of Religion and Knowledge

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Text of Section 8:

Writ of Habeas Corpus

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

Text of Section 9:

Bail

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 determine at 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. When determining the amount of bail, the court shall consider public safety, including the seriousness of the offense, and a person's criminal record, the likelihood a person will return to court, and any other factor the general assembly may prescribe. 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 presumption great poses a substantial risk of serious physical harm to any person or to the community. Procedures for establishing the amount and conditions of bail shall be established pursuant to Article IV, Section 5(b) of the Constitution of the State of Ohio.

(1851, am. 1997)

Amendment

Amended with the approval of Ohio Issue 1, Determining Bail Amount Based on Public Safety Amendment (2022) on November 8, 2022.

Text of Section 10:**Trial for Crimes; Witness**

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 witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and 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 the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.

(1851, am. 1912)

Text of Section 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.

Amendments

Amended on November 7, 2017, via Issue 1.

Text of Section 11:

Freedom of Speech; of the Press; of Libels

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.

Text of Section 12:

Transportation, Etc. for Crime

No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

Text of Section 13:

Quartering Troops

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

Text of Section 14:

Search Warrants and General Warrants

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

Text of Section 15:

No Imprisonment for Debt

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

Text of Section 16:

Redress for Injury; Due Process

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 may be brought against the state, in such courts and in such manner, as may be provided by law.

(1851, am. 1912)

Text of Section 17:

No Hereditary Privileges

No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this State.

Text of Section 18:

Suspension of Laws

No power of suspending laws shall ever be exercised, except by the General Assembly.

Text of Section 19:

Eminent Domain

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 therefore 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.

Text of Section 19a:

Damages for Wrongful Death

The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law.

Text of Section 19b:

Protect Private 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.

Text of Section 20:

Powers Reserved to the People

This enumeration of rights shall not be construed to impair or deny others retained by the people, and all powers, not herein delegated, remain with the people.

Text of Section 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.

Note: Section 21 was added to Article 1 of the Ohio Constitution through a citizen initiative approved in 2011.

OKLAHOMA (OK) BILL OF RIGHTS

PREAMBLE:

Invoking the guidance of Almighty God, in order to secure and perpetuate the blessing of liberty; to secure just and rightful government; to promote our mutual welfare and happiness, we, the people of the State of Oklahoma, do ordain and establish this Constitution.[1]

ARTICLE II:

Article II of the Oklahoma Constitution is entitled Bill of Rights and consists of 38 sections.

Text of Section 1:

Political Power - Purpose of Government - Alteration or Reformation

All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: Provided, such change be not repugnant to the Constitution of the United States.

Text of Section 2:

Inherent Rights

All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.

Text of Section 3:

Right of Assembly and Petition

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

Text of Section 4:

Interference with Right of Suffrage

No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage by those entitled to such right.

Text of Section 5:

Public Money or Property - Use for Sectarian Purposes

No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

Text of Section 6:

Courts of Justice Open - Remedies for Wrongs - Sale, Denial or Delay

The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay, or prejudice.

Text of Section 7:

Due Process of Law

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

Text of Section 8:

Right to Bail - Exceptions

A. All persons shall be bailable by sufficient sureties, except that bail may be denied for:

1. capital offenses when the proof of guilt is evident, or the presumption thereof is great;
2. violent offenses;
3. offenses where the maximum sentence may be life imprisonment or life imprisonment without parole;
4. felony offenses where the person charged with the offense has been convicted of two or more felony offenses arising out of different transactions; and
5. controlled dangerous substances offenses where the maximum sentence may be at least ten (10) years imprisonment.

On all offenses specified in paragraphs 2 through 5 of this section, the proof of guilt must be evident, or the presumption must be great, and it must be on the grounds that no condition of release would assure the safety of the community or any person.

B. The provisions of this resolution shall become effective on July 1, 1989.

Text of Section 9:

Excessive Bail or Fines - Cruel or Unusual Punishment

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

Text of Section 9a:

All statutes of this state requiring, authorizing, imposing or relating to the death penalty are in full force and effect, subject to legislative amendment or repeal by statute, initiative or referendum. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the Legislature. 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. The death penalty provided for under such statutes shall not be deemed to be, or to constitute, the infliction of cruel or unusual punishments, nor shall such punishment be deemed to contravene any other provision of this Constitution.

Amendments

Added on November 8, 2016, via voter approval of State Question 776.

Text of Section 10:

Habeas Corpus - Suspension

The privilege of the writ of habeas corpus shall never be suspended by the authorities of this State.

Text of Section 11:

Officers - Personal Attention to Duties - Intoxication

Every person elected or appointed to any office or employment of trust or profit under the laws of the State, or under any ordinance of any municipality thereof, shall give personal attention to the duties of the office to which he is elected or appointed. Drunkenness and the excessive use of intoxicating liquors while in office shall constitute sufficient cause for impeachment or removal therefrom.

Text of Section 12:

Officers of United States or Other States - Ineligibility to Office

No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State; provided, neither the provisions of this section nor any other provision of this Constitution or state law shall be construed to prohibit the following officeholders from holding at the same time any other office of trust or profit:

1. Officers and enlisted members of the National Guard;
2. Officers and enlisted members of the National Guard Reserve;
3. Officers of the Officers Reserve Corps of the United States;
4. Enlisted members of the Organized Reserves of the United States; and
5. Officers and enlisted members of the Oklahoma State Guard and any other active militia or military force organized under state law.

The Legislature shall have the power to enact laws to further implement the provisions of this section.

Amendments

Amended by the approval of Oklahoma Service in Government and Military Amendment, State Question 769 (2014) on November 4, 2014.

Text of Section 12A:

Candidacy as United States Representative or Senator - Term Limits - Write-ins

Beginning January 1, 1995, persons wanting to become a candidate for election to the United States Congress from this State for a term beginning on or after January 1, 1995, shall be subject to the following provisions:

- A. Any person seeking to have his or her name placed on the ballot for election to the United States House of Representatives shall be eligible if, by the end of the then current term of office, that person has served in that office for three (3) two-year terms.

B. Any person seeking to have his or her name placed on the ballot for election to the United States Senate shall be ineligible if, by the end of the then current term of office, that person has served in that office for two (2) six-year terms.

C. A person elected to serve as member of the United States Congress shall be eligible to serve as a Representative for a total of six (6) years and as a Senator for a total of twelve (12) years for a maximum total of eighteen (18) years as a member of Congress from this State.

D. The provisions of this section shall not be applicable to or include:

1. The years served by any person as a member of the United States House of Representatives or as a member of the United States Senate which began prior to the election at which this measure was enacted.

2. The years served by a person who served on complete the remainder of a vacated term.

E. The provisions of this Section shall not be construed so as to prevent casting a ballot for any person regardless of the number of years previously served in the United States Congress by writing the name of that person on the ballot, or from having such ballot counted or to prevent a person from campaigning by means of a "write-in" campaign if that procedure is otherwise authorized in this Constitution or by law.

Text of Section 13:

Imprisonment for Debt

Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.

Text of Section 14:

Military Subordinate to Civil Authorities - Quartering without Owner's Consent

The military shall be held in strict subordination to the civil authorities. No soldier shall be quartered in any house, in time of peace, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

Text of Section 15:

Bills of Attainder - Ex post Facto Laws - Obligation of Contracts - Forfeitures

No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed. No conviction shall work a corruption of blood or forfeiture of estate: Provided, that this provision shall not prohibit the imposition of pecuniary penalties.

Text of Section 16:

Treason

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

Text of Section 17:

Indictment or Information - Preliminary Examination - Prosecutions in Courts Not of Record

No person shall be prosecuted criminally in courts of record for felony or misdemeanor otherwise than by presentment or indictment or by information. No person shall be prosecuted for a felony by information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination. Prosecutions may be instituted in courts not of record upon a duly verified complaint.

Text of Section 18:

Grand Jury

A grand jury shall be composed of twelve (12) persons, any nine (9) of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a district judge upon his own motion; or such grand jury shall be ordered by a district judge upon the filing of a petition therefore signed by qualified electors of the county equal to the number of signatures required to propose legislation by a county by initiative petition as provided in Section 5 of Article V of the Oklahoma Constitution, with the minimum number of required signatures being five hundred (500) and the maximum being five thousand (5000); and further providing that in any calendar year in which a grand jury has been convened pursuant to a petition therefore, then any subsequent petition filed during the same calendar year shall require double the minimum number of signatures as were required hereunder for the first petition; or such grand jury shall be ordered convened upon the filing of a verified application by the Attorney General of the State of Oklahoma who shall have authority to conduct the grand jury in investigating crimes which are alleged to have been committed in said county or involving multicounty criminal activities; when so assembled such grand jury shall have power to inquire into and return indictments for all character and grades of crime. All other provisions of the Constitution or the laws of this state in conflict with the provisions of this constitutional amendment are hereby expressly repealed.

The legislature shall enact laws to prevent corruption in making, filing, circulating, and submitting petitions calling for convening a grand jury.

Text of Section 19:

Trial by Jury

The right of trial by jury shall be and remain inviolate, except in civil cases wherein the amount in controversy does not exceed One Thousand Five Hundred Dollars (\$1,500.00), or in criminal cases wherein punishment for the offense charged is by fine only, not exceeding One Thousand Five Hundred Dollars (\$1,500.00). Provided, however, that the Legislature may provide for jury trial in cases involving lesser amounts. Juries for the trial of civil cases, involving more than Ten Thousand Dollars (\$10,000.00), and felony criminal cases shall consist of twelve (12) persons. All other juries shall consist of six (6) persons. However, in all cases the parties may agree on a lesser number of jurors than provided herein.

In all criminal cases where imprisonment for more than six (6) months is authorized the entire number of jurors must concur to render a verdict. In all other cases three-fourths (3/4) of the whole number of jurors concurring shall have power to render a verdict. When a verdict is rendered by less than the whole number of jurors, the verdict shall be signed by each juror concurring therein.

Text of Section 20:

Rights of Accused in Criminal Cases

In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed or, where uncertainty exists as to the county in which the crime was committed, the accused may be tried in any county in which the evidence indicates the crime might have been committed. Provided, that the venue may be changed to some other county of the state, on the application of the accused, in such manner as may be prescribed by law. He shall be informed of the nature and cause of the accusation against him and have a copy thereof, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his behalf. He shall have the right to be heard by himself and counsel; and in capital cases, at least two days before the case is called for trial, he shall be furnished with a list of the witnesses that will be called in chief, to prove the allegations of the indictment or information, together with their postoffice addresses.

Text of Section 21:

Self-Incrimination - Double Jeopardy

No person shall be compelled to give evidence which will tend to incriminate him, except as in this Constitution specifically provided; nor shall any person, after having been once acquitted by a jury, be again put in jeopardy of life or liberty for that of which he has been acquitted. Nor shall any person be twice put in jeopardy of life or liberty for the same offense.

Text of Section 22:

Liberty of Speech and Press - Truth as Evidence in Prosecution for Libel

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

Text of Section 23:

Private Property - Taking or Damaging for Private Use

No private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.

Text of Section 24:

Private Property - Public Use - Character of Use a Judicial Question

Private property shall not be taken or damaged for public use without just compensation. Just compensation shall mean the value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken. Such compensation shall be ascertained by a board of commissioners of not less than three freeholders, in such manner as may be prescribed by law. Provided however, in no case shall the owner be required to make any payments should the benefits be judged to exceed damages. The commissioners shall not be appointed by any judge or court without reasonable notice having been served upon all parties in interest. The commissioners shall be selected from the regular jury list of names prepared and made as the Legislature shall provide. Any party aggrieved shall have the right of appeal, without bond, and trial by jury in a court of record. Until the compensation shall be paid to the owner, or into court for the owner, the property shall not be disturbed, or the proprietary rights of the owner divested. When possession is taken of property condemned for any public use, the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of such compensation. The fee of land taken by common carriers for right of way, without the consent of the owner, shall remain in such owner subject only to the use for which it is taken. In all cases of condemnation of private property for public or private use, the determination of the character of the use shall be a judicial question.

Text of Section 25:

Contempt - Definition - Jury trial - Hearing

The legislature shall pass laws defining contempts and regulating the proceedings and punishment in matters of contempt: Provided, that any person accused of violating or disobeying, when not in the presence or hearing of the court, or judge sitting as such, any order of injunction, or restraint, made or entered by any court or judge of the State shall, before penalty or punishment is imposed, be entitled to a trial by jury as to the guilt or innocence of the accused. In no case shall a penalty or punishment be imposed for contempt, until an opportunity to be heard is given.

Text of Section 26:

Bearing Arms - Carrying Weapons

The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.

Text of Section 27:

Witnesses Not Excused from Testifying - Immunity from Prosecution

Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation under the laws of the state shall not be excused from giving testimony or producing evidence, when legally called upon so to do, on the ground that it

may tend to incriminate him under the laws of the state; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence. All other provisions of the Constitution or the laws of this state in conflict with the provisions of this constitutional amendment are hereby expressly repealed.

Text of Section 28:

Corporate Records, Books and Files

The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitorial and inquisitorial powers of the State, notwithstanding the immunities and privileges in this Bill of Rights secured to the persons, inhabitants, and citizens thereof.

Text of Section 29:

Transportation Out of State

No person shall be transported out of the State for any offense committed within the State, nor shall any person be transported out of the State for any purpose, without his consent, except by due process of law; but nothing in this provision shall prevent the operation of extradition laws, or the transporting of persons sentenced for crime, to other states for the purpose of incarceration.

Text of Section 30:

Unreasonable Searches or Seizures - Warrants, Issuance of

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

Text of Section 31:

State - Engagement in Occupation or Business

The right of the State to engage in any occupation or business for public purposes shall not be denied nor prohibited, except that the State shall not engage in agriculture for any other than educational and scientific purposes and for the support of its penal, charitable, and educational institutions.

Text of Section 32:

Perpetuities - Monopolies - Primogeniture - Entailments

Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

Text of Section 33:

Effect of Enumeration of Rights

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

**Text of Section 34:
Rights of Victims**

A. To secure justice and due process for victims throughout the criminal and juvenile justice systems, a victim of a crime shall have the following rights, which shall be protected by law in a manner no less vigorous than the rights afforded to the accused: to be treated with fairness and respect for the victim's safety, dignity and privacy; upon request, to reasonable and timely notice of and to be present at all proceedings involving the criminal or delinquent conduct; to be heard in any proceeding involving release, plea, sentencing, disposition, parole and any proceeding during which a right of the victim is implicated; to reasonable protection; upon request, to reasonable notice of any release or escape of an accused; to refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel; to full and timely restitution; to proceedings free from unreasonable delay and a prompt conclusion of the case; upon request, to confer with the attorney for the state; and to be informed of all rights enumerated in this section.

B. The victim, the victim's attorney or other lawful representative, or the attorney for the state upon request of the victim may assert in any trial or appellate court, or before any other authority with jurisdiction over the case, and have enforced the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or 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.

C. As used in this section, a "victim" includes any 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.

D. The Legislature, or the people by initiative or referendum, has the authority to enact substantive and procedural laws to implement, preserve and protect the rights guaranteed to victims by this section.

E. The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage other rights guaranteed by the Legislature or retained by victims.

Amendments

Amended with the approval of Oklahoma State Question 794, Marsy's Law Crime Victim Rights Amendment (2018) on November 6, 2018.

Text of Section 35:

"Marriage" Defined - Marriage Between Persons of Same Gender Not Valid or Recognized

A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.

B. A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage.

C. Any person knowingly issuing a marriage license in violation of this section shall be guilty of a misdemeanor.

Text of Section 36:

Preferential treatment or discrimination

A. The state shall not grant preferential treatment to, or discriminate against, any individual or group on the basis of race, color, sex, ethnicity or national origin in the operation of public employment, public education or public contracting.

B. This section shall apply only to action taken after the effective date of this section.

C. Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education or public contracting.

D. Nothing in this section shall be interpreted as invalidating any court order or consent decree that is in force as of the effective date of this section.

E. Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.

F. For the purposes of this section, "state" shall include, but not be limited to, the state itself or an agency, institution, instrumentality, or political subdivision of the state.

G. The remedies available for violations of this section shall be the same, regardless of the injured party's race, color, sex, ethnicity or national origin, as are otherwise available for violations of the antidiscrimination laws of this state.

Text of Section 37:

Health Care Freedom Amendment

A. For purposes of this section:

1. "Compel" shall include penalties or fines;

2. “Direct payment or pay directly” means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service;
3. “Health care system” means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;
4. “Lawful health care services” means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services; and
5. “Penalties or fines” means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect 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.

B. To preserve the freedom of Oklahomans to provide for their health care:

1. A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system; and
2. A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

C. Subject to reasonable and necessary rules that do not substantially limit a person’s options, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

D. This section shall not:

1. Affect which health care services a health care provider or hospital is required to perform or provide;
2. Affect which health care services are permitted by law;
3. Prohibit care related to workers’ compensation;
4. Affect laws or rules in effect as of January 1, 2010; or
5. Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

Section 37 was ratified on November 2, 2010, via approval of State Question 756.

OREGON (OR) 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.[1]

ARTICLE I:

Article I of the Oregon Constitution is entitled Bill of Rights and consists of 46 sections.

Text of Section 1:

Natural Rights Inherent in People

We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.[1]

Text of Section 2:

Freedom of Worship

All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.[1]

Text of Section 3:

Freedom of Religious Opinion

No law shall in any case whatever control the free exercise, and enjoyment of religious [sic] opinions, or interfere with the rights of conscience.[1]

Text of Section 4:

No Religious Qualification for Office

No religious test shall be required as a qualification for any office of trust or profit.[1]

Text of Section 5:

No Money to Be Appropriated for Religion

No money shall be drawn from the Treasury for the benefit of any religious [sic], or theological institution, nor shall any money be appropriated for the payment of any religious [sic] services in either house of the Legislative Assembly.[1]

Text of Section 6:

No Religious Test for Witnesses or Jurors

No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion [sic]; nor be questioned in any Court of Justice touching his religious [sic] belief to affect the weight of his testimony.[1]

Text of Section 7:

Manner of Administering Oath or Affirmation

The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.[1]

Text of Section 8:

Freedom of Speech and Press

No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.[1]

Text of Section 9:

Unreasonable Searches or Seizures

No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against 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.[1]

Text of Section 10:

Administration of Justice

No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.[1]

Text of Section 11:

Rights of Accused in Criminal Prosecution

In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing; provided, however, that in the circuit court ten members of the jury may render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree murder, which shall be found only by a unanimous verdict, and not otherwise; provided further, that the existing laws and constitutional provisions relative to criminal prosecutions shall be continued and remain in effect as to all prosecutions for crimes committed before the taking effect of this amendment.[1]

Amendments

Amendment proposed by S.J.R. 4, 1931, and adopted by the people Nov. 8, 1932.

Amendment proposed by S.J.R. 4, 1931 (2d s.s.), and adopted by the people May 18, 1934.

Note: The leadline to section 11 was a part of the measure submitted to the people by S.J.R. 4, 1931.

Text of Section 12:

Double Jeopardy; Compulsory Self-Incrimination

No person shall be put in jeopardy twice for the same offence [sic], nor be compelled in any criminal prosecution to testify against himself.[1]

Text of Section 13:

Treatment of Arrested or Confined Persons

No person arrested, or confined in jail, shall be treated with unnecessary rigor.[1]

Text of Section 14:

Bailable Offenses

Offences [sic], except murder, and treason, shall be bailable by sufficient sureties. Murder or treason, shall not be bailable, when the proof is evident, or the presumption strong.[1]

Text of Section 15:

Foundation Principles of Criminal Law

Laws for the punishment of crime shall be founded on these principles: protection of society, personal responsibility, accountability for one's actions and reformation.[1]

Amendments

Amendment proposed by S.J.R. 32, 1995, and adopted by the people Nov. 5, 1996.

Text of Section 16:

Excessive Bail and Fines; Cruel and Unusual Punishments; Power of Jury in Criminal Case

Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.— In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the Court as to the law, and the right of new trial, as in civil cases.[1]

Text of Section 17:

Jury Trial in Civil Cases

In all civil cases the right of Trial by Jury shall remain inviolate.[1]

Text of Section 18:

Private Property or Services Taken for Public Use

Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use.[1]

Amendments

Amendment proposed by S.J.R. 17, 1919, and adopted by the people May 21, 1920.

Amendment proposed by S.J.R. 8, 1923, and adopted by the people Nov. 4, 1924.

Text of Section 19:

Imprisonment for Debt

There shall be no imprisonment for debt, except in case of fraud or absconding debtors.[1]

Text of Section 20:

Equality of Privileges and Immunities of Citizens

No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.[1]

Text of Section 21:

Ex-Post Facto Laws; Laws Impairing Contracts; Laws Depending on Authorization in Order to Take Effect; Laws Submitted to Electors

No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that laws locating the Capitol of the State, locating County Seats, and submitting town, and corporate acts, and other local, and Special laws may take effect, or not, upon a vote of the electors interested.[1]

Text of Section 22:

Suspension of Operation of Laws

The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.[1]

Text of Section 23:

Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion the public safety require it.[1]

Text of Section 24:

Treason

Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court.[1]

Text of Section 25:

Corruption of Blood or Forfeiture of Estate

No conviction shall work corruption of blood, or forfeiture of estate.[1]

Text of Section 26:

Assemblages of People; Instruction of Representatives; Application to Legislature

No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their Representatives; nor from applying to the Legislature for redress of grievances [sic].[1]

Text of Section 27:

Right to Bear Arms; Military Subordinate to Civil Power

The people shall have the right to bear arms for the defence of themselves, and the State, but the Military shall be kept in strict subordination to the civil power.[1]

Text of Section 28:

Quartering Soldiers

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.[1]

Text of Section 29:

Titles of Nobility; Hereditary Distinctions

No law shall be passed granting any title of Nobility, or conferring hereditary distinctions.[1]

Text of Section 30:

Emigration

No law shall be passed prohibiting emigration from the State.[1]

Text of Section 31:

Rights of Aliens; Immigration to State

Repealed.[1]

Amendments

Repeal proposed by H.J.R. 16, 1969, and adopted by the people May 26, 1970.

Text of Section 32:

Taxes and Duties; Uniformity of Taxation

No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax.[1]

Amendments

Amendment proposed by H.J.R. 16, 1917, and adopted by the people June 4, 1917.

Text of Section 33:

Enumeration of Rights Not Exclusive

This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people.[1]

Text of Section 34:

Slavery or Involuntary Servitude

(1.) There shall be neither slavery nor involuntary servitude in this state.

(2.) Upon conviction of a crime, an Oregon court or a probation or parole agency may order the convicted person to engage in education, counseling, treatment, community service or other alternatives to incarceration, as part of sentencing for the crime, in accordance with programs that have been in place historically or that may be developed in the future, to provide accountability, reformation, protection of society or rehabilitation.

Amendments

Amended with the approval of Measure 112 on November 8, 2022.

Text of Section 35:

Restrictions on Rights of Certain Persons

Repealed.[1]

Amendments

Repeal proposed by H.J.R. 8, 1925, and adopted by the people Nov. 2, 1926.

Added to Bill of Rights as unnumbered section by vote of the people at time of adoption of the Oregon Constitution in accordance with Section 4 of Article XVIII thereof.

Text of Section 36:

Liquor Prohibition

Repealed.[1]

Amendments

Created through initiative petition filed July 1, 1914, and adopted by the people Nov. 3, 1914.

Repeal proposed by initiative petition filed March 20, 1933, and adopted by the people July 21, 1933.

Text of Section 36:

Capital Punishment Abolished

Repealed.[1]

Amendments

Created through initiative petition filed July 2, 1914, and adopted by the people Nov. 3, 1914.

Repeal proposed by S.J.R. 8, 1920 (s.s.), and adopted by the people May 21, 1920, as Constitutional Art. I, §38.

Note: At the general election in 1914 two sections, each designated as section 36, were created and added to the Constitution by separate initiative petitions. One of these sections was the prohibition section and the other abolished capital punishment.

Text of Section 36a:

Prohibition of Importation of Liquors

Repealed.[1]

Amendments

Created through initiative petition filed July 6, 1916, and adopted by the people Nov. 7, 1916.

Repeal proposed by initiative petition filed March 20, 1933, and adopted by the people July 21, 1933.

Text of Section 37:

Penalty for Murder in First Degree

Repealed.[1]

Amendments

Created through S.J.R. 8, 1920, and adopted by the people May 21, 1920.

Repeal proposed by S.J.R. 3, 1963, and adopted by the people Nov. 3, 1964.

Text of Section 38:

Laws Abrogated by Amendment Abolishing Death Penalty Revived

Repealed.[1]

Amendments

Created through S.J.R. 8, 1920, and adopted by the people May 21, 1920.

Repeal proposed by S.J.R. 3, 1963, and adopted by the people Nov. 3, 1964.

Text of Section 39:

Sale of Liquor by Individual Glass

The State shall have power to license private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served, for the purpose of selling alcoholic liquor by the individual glass at retail, for consumption on the premises, including mixed drinks and cocktails, compounded or mixed on the premises only. The Legislative Assembly shall provide in such detail as it shall deem advisable for carrying out and administering the provisions of this amendment and shall provide adequate safeguards to carry out the original intent and purpose of the Oregon Liquor Control Act, including the promotion of temperance in the use and consumption of alcoholic beverages, encourage the use and consumption of lighter beverages and aid in the establishment of Oregon industry. This power is subject to the following:

(1) The provisions of this amendment shall take effect and be in operation sixty (60) days after the approval and adoption by the people of Oregon; provided, however, the right of a local option election exists in the counties and in any incorporated city or town containing a population of at least five hundred (500). The Legislative Assembly shall prescribe a means and a procedure by which the voters of any county or incorporated city or town as limited above in any county, may through a local option election determine whether to prohibit or permit such power, and such procedure shall specifically include that whenever fifteen per cent (15%) of the registered voters of any county in the state or of any incorporated city or town as limited above, in any county in the state, shall file a

petition requesting an election in this matter, the question shall be voted upon at the next regular November biennial election, provided said petition is filed not less than sixty (60) days before the day of election.

(2) Legislation relating to this matter shall operate uniformly throughout the state and all individuals shall be treated equally; and all provisions shall be liberally construed for the accomplishment of these purposes.[1]

Amendments

Created through initiative petition filed July 2, 1952, and adopted by the people Nov. 4, 1952.

Text of Section 40:

Penalty for Aggravated Murder

Notwithstanding sections 15 and 16 of this Article, the penalty for aggravated murder as defined by law shall be death upon unanimous affirmative jury findings as provided by law and otherwise shall be life imprisonment with minimum sentence as provided by law.[1]

Amendments

Created through initiative petition filed July 6, 1983, and adopted by the people Nov. 6, 1984.

Text of Section 41:

Work and Training for Corrections Institution Inmates; Work Programs; Limitations; Duties of Corrections Director

(1) Whereas the people of the state of Oregon find and declare that inmates who are confined in corrections institutions should work as hard as the taxpayers who provide for their upkeep; and whereas the people also find and declare that inmates confined within corrections institutions must be fully engaged in productive activity if they are to successfully re-enter society with practical skills and a viable work ethic; now, therefore, the people declare:

(2) All inmates of state corrections institutions shall be actively engaged full-time in work or on-the-job training. The work or on-the-job training programs shall be established and overseen by the corrections director, who shall ensure that such programs are cost-effective and are designed to develop inmate motivation, work capabilities and cooperation. Such programs may include boot camp prison programs. Education may be provided to inmates as part of work or on-the-job training so long as each inmate is engaged at least half-time in hands-on training or work activity.

(3) Each inmate shall begin full-time work or on-the-job training immediately upon admission to a corrections institution, allowing for a short time for administrative intake and processing. The specific quantity of hours per day to be spent in work or on-the-job training shall be determined by the corrections director, but the overall time spent in work or training shall be full-time. However, no inmate has a legally enforceable right to a job or to otherwise participate in work, on-the-job training or educational programs or to compensation for work or labor performed while an inmate of any state, county or city

corrections facility or institution. The corrections director may reduce or exempt participation in work or training programs by those inmates deemed by corrections officials as physically or mentally disabled, or as too dangerous to society to engage in such programs.

(4) There shall be sufficient work and training programs to ensure that every eligible inmate is productively involved in one or more programs. Where an inmate is drug and alcohol addicted so as to prevent the inmate from effectively participating in work or training programs, corrections officials shall provide appropriate drug or alcohol treatment.

(5) The intent of the people is that taxpayer-supported institutions and programs shall be free to benefit from inmate work. Prison work programs shall be designed and carried out so as to achieve savings in government operations, so as to achieve a net profit in private sector activities or so as to benefit the community.

(6) The provisions of this section are mandatory for all state corrections institutions. The provisions of this section are permissive for county or city corrections facilities. No law, ordinance or charter shall prevent or restrict a county or city governing body from implementing all or part of the provisions of this section. Compensation, if any, shall be determined and established by the governing body of the county or city which chooses to engage in prison work programs, and the governing body may choose to adopt any power or exemption allowed in this section.

(7) The corrections director shall contact public and private enterprises in this state and seek proposals to use inmate work. The corrections director may: (a) install and equip plants in any state corrections institution, or any other location, for the employment or training of any of the inmates therein; or (b) purchase, acquire, install, maintain and operate materials, machinery and appliances necessary to the conduct and operation of such plants. The corrections director shall use every effort to enter into contracts or agreements with private business concerns or government agencies to accomplish the production or marketing of products or services produced or performed by inmates. The corrections director may carry out the director's powers and duties under this section by delegation to others.

(8) Compensation, if any, for inmates who engage in prison work programs shall be determined and established by the corrections director. Such compensation shall not be subject to existing public or private sector minimum or prevailing wage laws, except where required to comply with federal law. Inmate compensation from enterprises entering into agreements with the state shall be exempt from unemployment compensation taxes to the extent allowed under federal law. Inmate injury or disease attributable to any inmate work shall be covered by a corrections system inmate injury fund rather than the workers compensation law. Except as otherwise required by federal law to permit transportation in interstate commerce of goods, wares or merchandise manufactured, produced or mined, wholly or in part by inmates or except as otherwise required by state law, any compensation earned through prison work programs shall only

be used for the following purposes: (a) reimbursement for all or a portion of the costs of the inmate's rehabilitation, housing, health care, and living costs; (b) restitution or compensation to the victims of the particular inmate's crime; (c) restitution or compensation to the victims of crime generally through a fund designed for that purpose; (d) financial support for immediate family of the inmate outside the corrections institution; and (e) payment of fines, court costs, and applicable taxes.

(9) All income generated from prison work programs shall be kept separate from general fund accounts and shall only be used for implementing, maintaining and developing prison work programs. Prison industry work programs shall be exempt from statutory competitive bid and purchase requirements. Expenditures for prison work programs shall be exempt from the legislative appropriations process to the extent the programs rely on income sources other than state taxes and fees. Where state taxes or fees are the source of capital or operating expenditures, the appropriations shall be made by the legislative assembly. The state programs shall be run in a businesslike fashion and shall be subject to regulation by the corrections director. Expenditures from income generated by state prison work programs must be approved by the corrections director. Agreements with private enterprise as to state prison work programs must be approved by the corrections director. The corrections director shall make all state records available for public scrutiny and the records shall be subject to audit by the Secretary of State.

(10) Prison work products or services shall be available to any public agency and to any private enterprise of any state, any nation or any American Indian or Alaskan Native tribe without restriction imposed by any state or local law, ordinance or regulation as to competition with other public or private sector enterprises. The products and services of corrections work programs shall be provided on such terms as are set by the corrections director. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding for-profit prison work programs that produce goods or services offered for sale in the private sector if the establishment or expansion would displace or significantly reduce preexisting private enterprise. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding prison work programs if the establishment or expansion would displace or significantly reduce government or nonprofit programs that employ persons with developmental disabilities. However, the decision to establish, maintain, expand, reduce or terminate any prison work program remains in the sole discretion of the corrections director.

(11) Inmate work shall be used as much as possible to help operate the corrections institutions themselves, to support other government operations and to support community charitable organizations. This work includes, but is not limited to, institutional food production; maintenance and repair of buildings, grounds, and equipment; office support services, including printing; prison clothing production and maintenance; prison medical services; training other inmates; agricultural and forestry work, especially in parks and public forest lands; and environmental clean-up projects. Every state agency shall cooperate with the corrections director in establishing inmate work programs.

(12) As used throughout this section, unless the context requires otherwise: “full-time” means the equivalent of at least forty hours per seven day week, specifically including time spent by inmates as required by the Department of Corrections, while the inmate is participating in work or on-the-job training, to provide for the safety and security of the public, correctional staff and inmates; “corrections director” means the person in charge of the state corrections system.

(13) This section is self-implementing and supersedes all existing inconsistent statutes. This section shall become effective April 1, 1995. If any part of this section or its application to any person or circumstance is held to be invalid for any reason, then the remaining parts or applications to any persons or circumstances shall not be affected but shall remain in full force and effect.[1]

Amendments

Created through initiative petition filed Jan. 12, 1994, and adopted by the people Nov. 8, 1994.

Amendment proposed by H.J.R. 2, 1997, and adopted by the people May 20, 1997.

Amendment proposed by H.J.R. 82, 1999, and adopted by the people Nov. 2, 1999.

Note: Added to Article I as unnumbered section by initiative petition (Measure No. 17, 1994) adopted by the people Nov. 8, 1994.

Note: An initiative petition (Measure No. 40, 1996) proposed adding a new section relating to crime victims’ rights to the Oregon Constitution. That section, appearing as section 42 of Article I in previous editions of this Constitution, was declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See *Armatta v. Kitzhaber*, 327 Or. 250, 959 P.2d 49 (1998).

Text of Section 42:

Rights of Victim in Criminal Prosecutions and Juvenile Court Delinquency Proceedings

(1) To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role in the criminal and juvenile justice systems, to accord crime victims due dignity and respect and to ensure that criminal and juvenile court delinquency proceedings are conducted to seek the truth as to the defendant’s innocence or guilt, and also to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal and juvenile court delinquency proceedings, the following rights are hereby granted to victims in all prosecutions for crimes and in juvenile court delinquency proceedings:

(a) The right to be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the defendant will be present, and to be heard at the pretrial release hearing and the sentencing or juvenile court delinquency disposition;

(b) The right, upon request, to obtain information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal

defendant or convicted criminal and equivalent information regarding the alleged youth offender or youth offender;

(c) The right to refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant provided, however, that nothing in this paragraph shall restrict any other constitutional right of the defendant to discovery against the state;

(d) The right to receive prompt restitution from the convicted criminal who caused the victim's loss or injury;

(e) The right to have a copy of a transcript of any court proceeding in open court, if one is otherwise prepared;

(f) The right to be consulted, upon request, regarding plea negotiations involving any violent felony; and

(g) The right to be informed of these rights as soon as practicable.

(2) This section applies to all criminal and juvenile court delinquency proceedings pending or commenced on or after the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, conviction or adjudication or otherwise terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal. Except as otherwise provided in subsections (3) and (4) of this section, nothing in this section may be used to invalidate a ruling of a court or to suspend any criminal or juvenile delinquency proceedings at any point after the case is commenced.

(3)(a) Every victim described in paragraph (c) of subsection

(6) of this section shall have remedy by due course of law for violation of a right established in this section.

(b) A victim may assert a claim for a right established in this section in a pending case, by a mandamus proceeding if no case is pending or as otherwise provided by law.

(c) The Legislative Assembly may provide by law for further effectuation of the provisions of this subsection, including authorization for expedited and interlocutory consideration of claims for relief and the establishment of reasonable limitations on the time allowed for bringing such claims.

(d) No claim for a right established in this section shall suspend a criminal or juvenile delinquency proceeding if such a suspension would violate a right of a criminal defendant guaranteed by this Constitution or the Constitution of the United States.

(4) Upon the victim's request, the prosecuting attorney, in the attorney's discretion, may assert and enforce a right established in this section.

(5) Upon the filing by the prosecuting attorney of an affidavit setting forth cause, a court shall suspend the rights established in this section in any case involving organized crime or victims who are minors.

(6) As used in this section:

(a) "Convicted criminal" includes a youth offender in juvenile court delinquency proceedings.

(b) "Criminal defendant" includes an alleged youth offender in juvenile court delinquency proceedings.

(c) "Victim" means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor.

(d) "Violent felony" means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

(7) In the event that no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.[1]

Amendments

Created through H.J.R. 87, 1999, and adopted by the people Nov. 2, 1999.

Amendment proposed by H.J.R. 49, 2007, and adopted by the people May 20, 2008.

Note: The effective date of House Joint Resolutions 87, 89, 90 and 94, compiled as sections 42, 43, 44 and 45, Article I, is Dec. 2, 1999.

Note: Sections 42, 43, 44 and 45, were added to Article I as unnumbered sections by the amendments proposed by House Joint Resolutions 87, 89, 90 and 94, 1999, and adopted by the people Nov. 2, 1999.

Text of Section 43:

Rights of Victim and Public to Protection from Accused Person During Criminal Proceedings; Denial of Pretrial Release

(1) To ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal proceedings, the following rights are hereby granted to victims in all prosecutions for crimes:

(a) The right to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process and from the alleged youth offender or youth offender throughout the juvenile delinquency proceedings.

(b) The right to have decisions by the court regarding the pretrial release of a criminal defendant based upon the principle of reasonable protection of the victim and the public, as well as the likelihood that the criminal defendant will appear for trial. Murder, aggravated murder and treason shall not be bailable when the proof is evident or the presumption strong that the person is guilty. Other violent felonies shall not be bailable when a court has determined there is probable cause to believe the criminal defendant committed the crime, and the court finds, by clear and convincing evidence, that there is danger of physical injury or sexual victimization to the victim or members of the public by the criminal defendant while on release.

(2) This section applies to proceedings pending or commenced on or after the effective date of this section. Nothing in this section abridges any right of the criminal defendant guaranteed by the Constitution of the United States, including the rights to be represented by counsel, have counsel appointed if indigent, testify, present witnesses, cross-examine witnesses or present information at the release hearing. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, conviction or adjudication or otherwise terminate any criminal or juvenile delinquency proceeding at any point after the case is commenced or on appeal. Except as otherwise provided in paragraph (b) of subsection (4) of this section and in subsection (5) of this section, nothing in this section may be used to invalidate a ruling of a court or to suspend any criminal or juvenile delinquency proceedings at any point after the case is commenced. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution.

(3) As used in this section:

(a) “Victim” means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor.

(b) “Violent felony” means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

(4)(a) The prosecuting attorney is the party authorized to assert the rights of the public established by this section.

(b) Upon the victim’s request, the prosecuting attorney, in the attorney’s discretion, may assert and enforce a right established in this section.

(5)(a) Every victim described in paragraph (a) of subsection (3) of this section shall have remedy by due course of law for violation of a right established in this section.

(b) A victim may assert a claim for a right established in this section in a pending case, by a mandamus proceeding if no case is pending or as otherwise provided by law.

(c) The Legislative Assembly may provide by law for further effectuation of the provisions of this subsection, including authorization for expedited and interlocutory consideration of claims for relief and the establishment of reasonable limitations on the time allowed for bringing such claims.

(d) No claim for a right established in this section shall suspend a criminal or juvenile delinquency proceeding if such a suspension would violate a right of a criminal defendant or alleged youth offender guaranteed by this Constitution or the Constitution of the United States.

(6) In the event that no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.[1]

Amendments

Created through H.J.R. 90, 1999, and adopted by the people Nov. 2, 1999.

Amendment proposed by H.J.R. 50, 2007, and adopted by the people May 20, 2008.

Note: See notes under section 42 of this Article.

Text of Section 44:

Term of Imprisonment Imposed by Court to Be Fully Served; Exceptions

(1)(a) A term of imprisonment imposed by a judge in open court may not be set aside or otherwise not carried out, except as authorized by the sentencing court or through the subsequent exercise of:

(A) The power of the Governor to grant reprieves, commutations and pardons; or

(B) Judicial authority to grant appellate or post-conviction relief.

(b) No law shall limit a court's authority to sentence a criminal defendant consecutively for crimes against different victims.

(2) This section applies to all offenses committed on or after the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal.

(3) As used in this section, "victim" means any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the

event no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.[1]

Amendments

Created through H.J.R. 94, 1999, and adopted by the people Nov. 2, 1999.

Note: See notes under section 42 of this Article.

Text of Section 45:

Person Convicted of Certain Crimes Not Eligible to Serve as Juror on Grand Jury or Trial Jury in Criminal Case

(1) In all grand juries and in all prosecutions for crimes tried to a jury, the jury shall be composed of persons who have not been convicted:

(a) Of a felony or served a felony sentence within the 15 years immediately preceding the date the persons are required to report for jury duty; or

(b) Of a misdemeanor involving violence or dishonesty or served a sentence for a misdemeanor involving violence or dishonesty within the five years immediately preceding the date the persons are required to report for jury duty.

(2) This section applies to all criminal proceedings pending or commenced on or after the effective date of this section, except a criminal proceeding in which a jury has been impaneled and sworn on the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to disqualify a jury, invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal proceeding at any point after a jury is impaneled and sworn or on appeal.[1]

Amendments

Created through H.J.R. 89, 1999, and adopted by the people Nov. 2, 1999.

Text of Section 46:

(1) Equality of rights under the law shall not be denied or abridged by the State of Oregon or by any political subdivision in this state on account of sex.

(2) The Legislative Assembly shall have the power to enforce, by appropriate legislation, the provisions of this section.

(3) Nothing in this section shall diminish a right otherwise available to persons under section 20 of this Article or any other provision of this Constitution.[1]

Amendments

Section 46 was added with the approval of Measure 89 on November 4, 2014.

Text of Section 47:

(1) It is the obligation of the state to ensure that every resident of Oregon has access to cost-effective, clinically appropriate and affordable health care as a fundamental right.

(2) The obligation of the state described in subsection (1) of this section must be balanced against the public interest in funding public schools and other essential public services, and any remedy arising from an action brought against the state to enforce the provisions of this section may not interfere with the balance described in this subsection.

Amendments

Section 47 was added with the approval of Measure 111 on November 8, 2022.

PENNSYLVANIA (PA) BILL OF RIGHTS

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.[2]

ARTICLE I:

Article I of the Pennsylvania Constitution is entitled Declaration of Rights and consists of 28 sections and a preamble.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 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 by the affiant.

Text of Section 9:**Rights of Accused in Criminal Prosecutions**

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself.

Text of Section 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.

Text of Section 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.

Text of Section 12:

Power of Suspending Laws

No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Text of Section 13:

Bail, Fines and Punishments

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

Text of Section 14:

Prisoners to Be Bailable; Habeas Corpus

All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident of 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.

Text of Section 15:

Special Criminal Tribunals

No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases.

Text of Section 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.

Text of Section 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.

Text of Section 18:

Attainder

No person shall be attained of treason or felony by the Legislature.

Text of Section 19:

Attainder Limited

No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

Text of Section 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.

Text of Section 21:

Right to Bear Arms

The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

Text of Section 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.

Text of Section 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.

Text of Section 24:

Titles and Offices

The Legislature shall not grant any title of nobility of hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Text of Section 25:

Reservation of Powers in People

To guard against the 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.

Text of Section 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.

Text of Section 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.

Text of Section 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.

Text of Section 29:

Prohibition against denial or abridgment of equality of rights because of race and ethnicity

Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the race or ethnicity of the individual.

Amendments

Ratified by Pennsylvania Question 3 on May 18, 2021.

RHODE ISLAND (RI) BILL OF RIGHTS

PREAMBLE:

We, the people of this State which state shall henceforth be known as the state of Rhode Island, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this Constitution of government.[1]

ARTICLE I:

Article I of the Rhode Island Constitution is entitled Declaration of Certain Constitutional Rights and Principles and consists of 24 sections.

Text of Section 1:

Right to Make and Alter Constitution -- Constitution Obligatory upon All

In the words of the Father of his Country, we declare that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Text of Section 2:

Laws for Good of Whole -- Burdens to Be Equally Distributed -- Due Process -- Equal Protection -- Discrimination -- No Right to Abortion Granted

All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. 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. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.

Text of Section 3:

Freedom of Religion

Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerable ancestors, in their migration to this country and their settlement of this state, was, as they expressed it, to hold forth a lively experiment that a flourishing civil state may stand and be best maintained with full liberty in religious concernments; we, therefore, declare that no person shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfillment of such person's voluntary contract; nor enforced, restrained, molested, or burdened in body or goods; nor disqualified from holding any office; nor otherwise suffer on account of such person's religious belief; and that every person shall be free to worship God according to the dictates of such person's conscience, and to profess and by argument to maintain such person's opinion in matters of religion;

and that the same shall in no wise diminish, enlarge, or affect the civil capacity of any person.

**Text of Section 4:
Slavery Prohibited**

Slavery shall not be permitted in this state.

**Text of Section 5:
Entitlement to Remedies for Injuries and Wrongs -- Right to Justice**

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property, or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

**Text of Section 6:
Search and Seizure**

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

**Text of Section 7:
Requirement of Presentment or Indictment -- Information by Attorney-General -- Grand Juries -- Double Jeopardy**

Except in cases of impeachment, or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, no person shall be held to answer for any offense which is punishable by death or by imprisonment for life unless on presentment or indictment by a grand jury, and no person shall be held to answer for any other felony unless on presentment or indictment by a grand jury or on information in writing signed by the attorney-general or one of the attorney-general's designated assistants, as the general assembly may provide and in accordance with procedures enacted by the general assembly. The general assembly may authorize the impaneling of grand juries with authority to indict for offenses committed any place within the state and it may provide that more than one grand jury may sit simultaneously within a county. No person shall be subject for the same offense to be twice put in jeopardy. Nothing contained in this article shall be construed as in any wise impairing the inherent common law powers of the grand jury.

**Text of Section 8:
Bail, Fines and Punishments**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offense.

Text of Section 9:

Right to Bail -- Habeas Corpus

All persons imprisoned ought to be bailed by sufficient surety, unless for offenses punishable by imprisonment for life, or for offenses involving the use or threat of use of a dangerous weapon by one already convicted of such an offense or already convicted of an offense punishable by imprisonment for life, or for an offense involving the unlawful sale, distribution, manufacturer, delivery, or possession with intent to manufacture, sell, distribute or deliver any controlled substance or by possession or by a controlled substance punishable by imprisonment for ten (10) years or more, when the proof of guilt is evident or the presumption great. Nothing in this section shall be construed to confer a right to bail, pending appeal of a conviction. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety shall require it; nor ever without the authority of the general assembly.

Text of Section 10:

Rights of Accused Persons in Criminal Proceedings

In all criminal prosecutions, accused persons shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against them, to have compulsory process for obtaining them in their favor, to have the assistance of counsel in their defense, and shall be at liberty to speak for themselves; nor shall they be deprived of life, liberty, or property, unless by the judgment of their peers, or the law of the land.

Text of Section 11:

Relief of Debtors from Prison

The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after such person shall have delivered up property for the benefit of said person's creditors, in such manner as shall be prescribed by law.

Text of Section 12:

Ex Post Facto Laws -- Laws Impairing Obligation of Contract

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

Text of Section 13:

Self-Crimination

No person in a court of common law shall be compelled to give self-criminating evidence.

Text of Section 14:

Presumption of Innocence -- Securing Accused Persons

Every person being presumed innocent, until pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

Text of Section 15:

Trial by Jury

The right of trial by jury shall remain inviolate. In civil cases the general assembly may fix the size of the petit jury at less than twelve but not less than six.

Text of Section 16:

Compensation for Taking of Private Property for Public Use -- Regulation of Fishery Rights and Shore Privileges Not Public Taking

Private property shall not be taken for public uses, without just compensation. The powers of the state and of its municipalities to regulate and control the use of land and waters in the furtherance of the preservation, regeneration, and restoration of the natural environment, and in furtherance of the protection of the rights of the people to enjoy and freely exercise the rights of fishery and the privileges of the shore, as those rights and duties are set forth in section 17, shall be an exercise of the police powers of the state, shall be liberally construed, and shall not be deemed to be a public use of private property.

Text of Section 17:

Fishery Rights -- Shore Privileges -- Preservation of Natural Resources

The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.

Text of Section 18:

Subordination of Military to Civil Authority -- Martial Law

The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

Text of Section 19:

Quartering of Soldiers

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

Text of Section 20:

Freedom of Press

The liberty of the press being essential to the security of freedom in a state, any person may publish sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defense to the person charged.

Text of Section 21:

Right to Assembly -- Redress of Grievances -- Freedom of Speech

The citizens have a right in a peaceable manner to assembly for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address, or remonstrance. No law abridging the freedom of speech shall be enacted.

Text of Section 22:

Right to Bear Arms

The right of the people to keep and bear arms shall not be infringed.

Text of Section 23:

Rights of Victims of Crime

A victim of crime shall, as a matter of right, be treated by agents of the state with dignity, respect and sensitivity during all phases of the criminal justice process. Such person shall be entitled to receive, from the perpetrator of the crime, financial compensation for any injury or loss caused by the perpetrator of the crime, and shall receive such other compensation as the state may provide. Before sentencing, a victim shall have the right to address the court regarding the impact which the perpetrator's conduct has had upon the victim.

Text of Section 24:

Rights Not Enumerated -- State Rights Not Dependent on Federal Rights

The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people. The rights guaranteed by this Constitution are not dependent on those guaranteed by the Constitution of the United States.

SOUTH CAROLINA (SC) BILL OF RIGHTS

PREAMBLE:

We, the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same.[1]

ARTICLE I:

Article I of the South Carolina Constitution is entitled Declaration of Rights and consists of 24 sections.

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of Section 6:

Residence

Temporary absence from the State shall not forfeit a residence once obtained.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of Section 9:

Courts; Speedy Remedy

All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315; 1989 Act No. 5; 1989 Act No. 8.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of Section 13:

Taking Private Property; Economic Development; Remedy of Blight

(A) 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 for the property. Private property must not be condemned by eminent domain for any purpose or benefit including, but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use.

(B) For the limited purpose of the remedy of blight, the General Assembly may provide by law that private property constituting a danger to the safety and health of the community by reason of lack of ventilation, light, and sanitary facilities, dilapidation, deleterious land use, or any combination of these factors may be condemned by eminent domain without the consent of the owner and put to a public use or private use if just compensation is first made for the property.

(1970 (56) 2684; 1971 (57) 315; 2007 Act No. 15.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.
(1970 (56) 2684; 1971 (57) 315; 1998 Act No. 259.)

Text of 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.
(1970 (56) 2684; 1971 (57) 315.)

Text of 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.
(1970 (56) 2684; 1971 (57) 315; 2007 Act No. 15.)

Text of 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.
(1970 (56) 2684; 1971 (57) 315.)

Text of Section 19:

Imprisonment for Debt

No person shall be imprisoned for debt except in cases of fraud.
(1970 (56) 2684; 1971 (57) 315.)

Text of 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.
(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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 permissive by its own terms.

(1970 (56) 2684; 1971 (57) 315.)

Text of 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.

Amendments

(1998 Act No. 259.)

Text of Section 25:

Right to Hunt and Fish

The traditions of hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state's sovereignty over its natural resources. **"Ratified on November 2, 2010.**

SOUTH DAKOTA (SD) BILL OF RIGHTS

PREAMBLE:

We, the people of South Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this Constitution for the state of South Dakota.[1]

ARTICLE VI:

Article VI of the South Dakota Constitution is entitled Bill of Rights and consists of 28 sections.

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]

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]

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]

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]

Text of Section 5:

Freedom of Speech--Truth as Defense--Jury Trial

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court[5]

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]

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]

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]

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]

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]

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]

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]

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]

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]

Text of Section 15:

Imprisonment for Debt

No person shall be imprisoned for debt arising out of or founded upon a contract[15]

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]

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]

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]

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]

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]

Text of Section 21:

Suspension of Laws Prohibited

No power of suspending laws shall be exercised, unless by the Legislature or its authority[21]

Text of Section 22:

Attainder by Legislature Prohibited

No person shall be attainted of treason or felony by the Legislature[22]

Text of Section 23:

Excessive Bail or Fines--Cruel Punishments

Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted[23]

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]

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]

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]

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]

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.

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; and

19. 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.

Amendments

Added on November 8, 2016, via voter approval of South Dakota Crime Victim Rights, Constitutional Amendment S (2016).

Amended on June 5, 2018, via voter approval of South Dakota Constitutional Amendment Y, Changes to Marsy's Law Crime Victim Rights Amendment (June 2018).

TENNESSEE (TN) BILL OF RIGHTS

PREAMBLE:

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[1]

ARTICLE I:

Article I of the Tennessee Constitution is entitled Declaration of Rights.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of Section 10:

That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Text of 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.

Text of 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.

Text of Section 13:

That no person arrested and confined in jail shall be treated with unnecessary rigor.

Text of Section 14:

That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.

Text of 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.

Text of Section 16:

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

Text of 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.

Text of Section 18:

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

Text of 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.

Text of Section 20:

That no retrospective law, or law impairing the obligations of contracts, shall be made.

Text of 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.

Text of Section 22:

That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of 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.

Text of Section 28:

That no citizen of this state shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

Text of 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.

Text of Section 30:

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

Text of 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.

Text of Section 32:

That the erection of safe prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for.

Text of Section 33:

Slavery and involuntary servitude are forever prohibited. Nothing in this section shall prohibit an inmate from working when the inmate has been duly convicted of a crime.

Amendments

Amended with the approval of Constitutional Amendment 3 on November 8, 2022.

Text of Section 34:

The General Assembly shall make no law recognizing the right of property in man.

Text of 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:

Text of Section 35a:

The right to confer with the prosecution.

Text of Section 35b:

The right to be free from intimidation, harassment and abuse throughout the criminal justice system.

Text of Section 35c:

The right to be present at all proceedings where the defendant has the right to be present.

Text of Section 35d:

The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly.

Text of Section 35e:

The right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person.

Text of Section 35f:

The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.

Text of Section 35g:

The right to restitution from the offender.

Text of Section 35h:

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.

Text of 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.

Amendments

Created by the approval of Tennessee Amendment 1, No State Constitutional Right to Abortion and Legislative Power to Regulate Abortion Amendment (2014) on November 4, 2014.

TEXAS (TX) BILL OF RIGHTS

PREAMBLE:

Humbly invoking the blessings of Almighty God the people of the State of Texas do ordain and establish this Constitution.[2]

ARTICLE I:

Article 1 of the Texas Constitution is entitled the Bill of Rights and consists of 34 sections.

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

Added with the approval of Texas Proposition 7, (1972) on November 7, 1972.

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 6-a:

This state or a political subdivision of this state may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.[1]

Amendments

Added by Texas Proposition 3 on November 2, 2021.

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

Amended on November 5, 1918.

Text of Section 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.[1]

Text of Section 11a:

Multiple Convictions; Denial of Bail

(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 therefore,

(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.[1]

(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.

Amendments

Added on November 6, 1956.

Amended with the approval of Texas Proposition 3, Bail Limitations (1977) on November 8, 1977.

Amended subsection (a) and added subsection (b) with the approval of Texas Proposition 12 (1993) on November 2, 1993.

Section 11b

Text of Section 11b:

Violation of Condition of Release Pending Trial; Denial of Bail

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.[1]

Amendments

Added with the approval of Texas Bail Act, Proposition 4 (2005) on November 8, 2005.

Amended with the approval of Texas Proposition 13 (2007) on November 6, 2007.

Text of Section 11c:

Violation of an Order for Emergency Protection 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.[1]

Amendments

Amended with the approval of Texas Proposition 13 (2007) on November 6, 2007.

Text of Section 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.[1]

Text of Section 13:

Excessive Bail or Fines; Cruel and Unusual Punishment; 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Amendments

Amended on August 24, 1935.

Text of Section 15a:

Commitment of Persons of Unsound Mind

No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The 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.[1]

Amendments

Added on November 6, 1956.

Text of Section 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.[1]

Text of Section 17:

Taking, Damaging, or Destroying 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.[1]

Amendments

Amended with the approval of Texas Proposition 11 (2009) on November 3, 2009.

Text of Section 18:

Imprisonment for Debt

No person shall ever be imprisoned for debt.[1]

Text of Section 19:

Deprivation of Life, Liberty, Etc.; Due Course of Law

No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.[1]

Text of Section 20:

Outlawry or Transportation 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.[1]

Amendments

Amended on November 5, 1985.

Text of Section 21:

Corruption of Blood; Forfeiture; 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.[1]

Text of Section 22:

Treason

Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.[1]

Text of Section 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.[1]

Text of Section 24:

Military Subordinate to Civil Authority

The military shall at all times be subordinate to the civil authority.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 28:

Suspension of Laws

No power of suspending laws in this State shall be exercised except by the Legislature.[1]

Text of Section 29:

Provisions of Bill of Rights Excepted from Powers of Government; to Forever Remain Inviolable

To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolable, and all laws contrary thereto, or to the following provisions, shall be void.[1]

Text of Section 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.[1]

Amendments

Added with the approval of Texas Proposition 13, Crime Victims Bill of Rights (1989) on November 7, 1989.

Text of Section 31:

Compensation to Victims of Crime Fund; Compensation to Victims of Crime Auxiliary Fund; Use of Fund Money

- (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.[1]

Amendments

Added with the approval of Texas Proposition 10 (1997) on November 4, 1997.

Text of Section 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.[1]

Amendments

Added with the approval of Texas Proposition 2 (2005) on November 8, 2005.

Text of Section 33:

Access 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.

Amendments

Added with the approval of Texas Proposition 9 (2009) on November 3, 2009.

Text of Section 34:

(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.

Amendments

Added with the approval of Texas Right to Hunt, Fish and Harvest Amendment, Proposition 6 (2015) on November 3, 2015.

Text of Section 35:

(a) A resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, residence providing home and community-

based services, or state supported living center, as those terms are defined by general law, has the right to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation.

(b) Notwithstanding Subsection (a) of this section, the legislature by general law may provide guidelines for a facility, residence, or center described by Subsection (a) of this section to follow in establishing essential caregiver visitation policies and procedures.

Amendments

Added by Texas Proposition 6 on November 2, 2021.

UTAH (UT) BILL OF RIGHTS

PREAMBLE:

Grateful to Almighty God for life and liberty, we, the people of Utah, in order to secure and perpetuate the principles of free government, do ordain and establish this CONSTITUTION.[1]

ARTICLE I:

Article I of the Utah Constitution is entitled Declaration of Rights and consists of 29 sections

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]

Amendments

Amended by Amendment A of 2020, which was designed to remove gendered language in the Utah Constitution and replace it with gender-neutral language.

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]

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]

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]

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]

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]

Text of Section 7:

Due Process of Law

No person shall be deprived of life, liberty or property, without due process of law.[1]

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]

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]

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]

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 or without counsel, any civil cause to which the person is a party.[1]

Amendments

Amended by Amendment A of 2020, which was designed to remove gendered language in the Utah Constitution and replace it with gender-neutral language.

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]

Amendments

Amended by Amendment A of 2020, which was designed to remove gendered language in the Utah Constitution and replace it with gender-neutral language.

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]

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]

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]

Text of Section 16:

No imprisonment for debt -- Exception.

There shall be no imprisonment for debt except in cases of absconding debtors.

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]

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]

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]

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]

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]

Amendments

Amendment C 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.

Text of Section 22:

Private property for public use.

Private property shall not be taken or damaged for public use without just compensation.[1]

Text of Section 23:

Irrevocable franchises forbidden.

No law shall be passed granting irrevocably any franchise, privilege or immunity.[1]

Text of Section 24:

Uniform operation of laws.

All laws of a general nature shall have uniform operation.[1]

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]

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]

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]

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]

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]

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]

Amendments

Added by Amendment E of 2020.

VERMONT (VT) BILL OF RIGHTS

PREAMBLE:

Was deleted by action of the constitutional convention of 1793

CHAPTER 1:

Chapter I of the Vermont Constitution is entitled A Declaration of the Rights of the Inhabitants of the State of Vermont. It is divided into 21 articles. The Preamble was deleted by action of the Constitutional Convention of 1793.[1]

Text of Article 1st:

All persons born free; their natural rights; slavery and indentured servitude 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 slavery and indentured servitude in any form are prohibited.

Amendments

Amended with the approval of Proposal 2 on November 8, 2022.

Text of Article 2nd:

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.[1]

Text of Article 3rd:

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.[1]

Text of Article 4th:

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; conformably to the laws.[1]

Text of Article 5th:

Internal police

That the people of this state by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.[1]

Text of Article 6th:

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.[1]

Text of Article 7th:

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.[1]

Text of Article 8th:

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.[1]

Text of Article 9th:

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.[1]

Text of Article 10th:

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.[1]

Text of Article 11th:

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.[1]

Text of Article 12th:

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.[1]

Text of Article 13th:

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.[1]

Text of Article 14th:

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.[1]

Text of Article 15th:

Legislature only may suspend laws

The power of suspending laws, or the execution of laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the Legislature shall provide for.[1]

Text of Article 16th:

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.[1]

Text of Article 17th:

Martial law restricted

That no person in this state can in any case be subjected to law martial, or to any penalties or pains by virtue of that law except those employed in the army, and the militia in actual service.[1]

Text of Article 18th:

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.[1]

Text of Article 19th:

Right to emigrate

That all people have a natural and inherent right to emigrate from one state to another that will receive them.[1]

Text of Article 20th:

Right to assemble, instruct and petition

That the people have a right to assemble together to consult for their common good--to instruct their Representatives--and to apply to the Legislature for redress of grievances, by address, petition or remonstrance.[1]

Text of Article 21st:

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.[1]

Text of Article 22nd:

Personal reproductive liberty

That an individual's right to personal reproductive autonomy is central to the liberty and dignity to determine one's own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

Amendments

Article 22 was added with the approval of Proposal 5 on November 8, 2022.

VIRGINIA (VA) BILL OF RIGHTS

PREAMBLE:

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.[1]

ARTICLE I:

Article I of the Virginia Constitution is entitled Bill of Rights and consists of a preamble followed by 19 sections.

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of Section 8A:

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.[1]

Amendments

Amendment 2, Rights of Victims (1996), which was ratified November 5, 1996 and effective January 1, 1997, added a new section (8-A).[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Eminent Domain Amendment, Question 1 (2012), which was 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Text of 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.[1]

Amendments

Question 1, Marriage Amendment (2006), which was ratified November 7, 2006, and effective January 1, 2007, added a new section (15-A).[1]

Text of 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.[1]

Text of 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.[1]

WASHINGTON (WA) BILL OF RIGHTS

PREAMBLE:

We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution.[3]

ARTICLE I:

Article 1 of the Washington State Constitution is labeled Declaration of Rights. It includes 35 sections and has been amended seven times since the current version of the Washington State Constitution was ratified on October 1, 1889.

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]

Text of Section 2:

Supreme Law of the Land

The Constitution of the United States is the supreme law of the land.[1]

Text of Section 3:Personal Rights

No person shall be deprived of life, liberty, or property, without due process of law.[1]

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]

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]

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]

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]

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]

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]

Text of Section 10:

Administration of Justice

Justice in all cases shall be administered openly, and without unnecessary delay.[1]

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]

Amendments

Amendment 88, 1993 House Joint Resolution No. 4200, which was approved on November 2, 1993.

Amendment 34, 1957 Senate Joint Resolution No. 14, p 1299, which was approved on November 4, 1958.

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, which was approved in November 1904.

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]

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]

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]

Text of Section 14:

Excessive Bail, Fines and Punishments.

Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.[1]

Text of Section 15:

Convictions, Effect Of.

No conviction shall work corruption of blood, nor forfeiture of estate.[1]

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]

Amendments

State of Washington Constitutional Amendment 9, which was approved in November 1920.

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]

**Text of Section 17:
Imprisonment for Debt.**

There shall be no imprisonment for debt, except in cases of absconding debtors.[1]

**Text of Section 18:
Military Power, Limitation Of.**

The military shall be in strict subordination to the civil power.[1]

**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]

**Text of Section 20:
Bail, When Authorized.**

All persons charged with crime shall beailable 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]

Amendments

Amended by House Joint Resolution 4220 on November 2, 2010.

**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]

**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]

Amendments

State of Washington Constitutional Amendment 10, approved in November 1922.

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]

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]

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]

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]

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]

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]

Text of Section 28:

Hereditary Privileges Abolished.

No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.[1]

Text of Section 29:

Constitution Mandatory.

The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.[1]

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]

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]

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]

Text of Section 33:

Recall of Elective Officers.

Every elective public officer of the state of Washington except [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be 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]

Amendments

State of Washington Constitutional Amendment 8, approved in November 1912.

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]

Amendments

State of Washington Constitutional Amendment 8, approved in November 1912.

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]

Amendments

State of Washington Constitutional Amendment 84, approved on November 7, 1989.

WEST VIRGINIA (WV) BILL OF RIGHTS

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.[2]

ARTICLE III:

Article III of the West Virginia Constitution consists of 22 sections

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 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.[1]

Text of Section 16:

Right of Public Assembly Held Inviolable

The right of the people to assemble in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances, shall be held inviolate.[1]

Text of Section 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.[1]

Text of Section 18:

Conviction Not to Work Corruption of Blood or Forfeiture

No conviction shall work corruption of blood or forfeiture of estate.[1]

Text of Section 19:

Hereditary Emoluments, Etc., Provided Against

No hereditary emoluments, honors or privileges shall ever be granted or conferred in this state.[1]

Text of Section 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]

Text of Section 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.[1]

Text of Section 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.[1]

WISCONSIN (WI) BILL OF RIGHTS

PREAMBLE:

We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare, do establish this constitution.[1]

ARTICLE I:

Article I of the Wisconsin Constitution is entitled Declaration of Rights and consists of 27 sections.

Text of Section 1:

Equality; Inherent Rights

All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.[1]

Text of Section 2:

Slavery Prohibited

There shall be neither slavery, nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.[1]

Text of Section 3:

Free Speech; Libel

Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it appears to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and fact.[1]

Text of Section 4:

Right to Assemble and Petition

The right of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.[1]

Text of Section 5:

Trial by Jury; Verdict in Civil Cases

The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law. Provided, however, that the legislature may, from time to time, by statute provide that a valid verdict, in civil cases, may be based on the votes of a specified number of the jury, not less than five-sixths thereof.[1]

Text of Section 6:

Excessive Bail; Cruel Punishments

Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.[1]

Text of Section 7:

Rights of Accused

In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf-, and in prosecutions by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.[1]

Text of Section 8:

Prosecutions; Double Jeopardy; Self-Incrimination; Bail; Habeas Corpus

(1) No person may be held to answer for a criminal offense without due process of law, and no person for the same offense may be put twice in jeopardy of punishment, nor may be compelled in any criminal case to be a witness against himself or herself.

(2) All persons, before conviction, shall be eligible for release under reasonable conditions designed to assure their appearance in court, protect members of the community from serious bodily harm or prevent the intimidation of witnesses. Monetary conditions of release may be imposed at or after the initial appearance only upon a finding that there is a reasonable basis to believe that the conditions are necessary to assure appearance in court. The legislature may authorize, by law, courts to revoke a person's release for a violation of a condition of release.

(3) The legislature may by law authorize, but may not require, circuit courts to deny release for a period not to exceed 10 days prior to the hearing required under this subsection to a person who is accused of committing a murder punishable by life imprisonment or a sexual assault punishable by a maximum imprisonment of 20 years, or who is accused of committing or attempting to commit a felony involving serious bodily harm to another or the threat of serious bodily harm to another and who has a previous conviction for committing or attempting to commit a felony involving serious bodily harm to another or the threat of serious bodily harm to another. The legislature may authorize by law, but may not require, circuit courts to continue to deny release to those accused persons for an additional period not to exceed 60 days following the hearing required under this subsection, if there is a requirement that there be a finding by the court based on clear and convincing evidence presented at a hearing that the accused committed the felony and a requirement that there be a finding by the court that available conditions of release will not adequately protect members of the community from serious bodily harm or prevent intimidation of witnesses. Any law enacted under this subsection shall be specific, limited and reasonable. In determining the 10-day and 60-day periods, the court shall omit any period of time found by the court to result from a delay caused by the defendant or a continuance granted which was initiated by the defendant.

(4) The privilege of the writ of habeas corpus shall not be suspended unless, in cases of rebellion or invasion, the public safety requires it.[1]

Text of Section 9:

Remedy for Wrongs

Every person is entitled to a certain remedy in the laws for all injuries, or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.[1]

Text of Section 9m:

Victims of Crime

(1) (a) In this section, notwithstanding any statutory right, privilege, or protection, “victim” means any of the following:

1. A person against whom an act is committed that would constitute a crime if committed by a competent adult.
2. If the person under subd. 1. is deceased or is physically or emotionally unable to exercise his or her rights under this section, the person's spouse, parent or legal guardian, sibling, child, person who resided with the deceased at the time of death, or other lawful representative.
3. If the person under subd. 1. is a minor, the person's parent, legal guardian or custodian, or other lawful representative.
4. If the person under subd. 1. is adjudicated incompetent, the person's legal guardian or other lawful representative.

(b) “Victim” does not include the accused or a person who the court finds would not act in the best interests of a victim who is deceased, incompetent, a minor, or physically or emotionally unable to exercise his or her rights under this section.

(2) In order to preserve and protect victims' rights to justice and due process, victims shall be entitled to all of the following rights, which shall vest at the time of victimization and be protected by law in a manner no less vigorous than the protections afforded to the accused:

- (a) To be treated with dignity, respect, courtesy, sensitivity, and fairness.
- (b) To privacy.
- (c) To have information or records protected that could be used to locate or harass the victim or that could disclose confidential or privileged information of the victim.
- (d) To proceedings free from unreasonable delay.
- (e) To timely disposition of the case, free from unreasonable delay.
- (f) To be present at all times at all proceedings involving the case.
- (g) To reasonable protection from the accused throughout the justice process.
- (h) To reasonable and timely notification of proceedings.
- (i) To confer with the attorney for the government.

- (j) To be informed by and provide input to the attorney for the government about any case disposition agreement, including a plea agreement, deferred prosecution agreement, or diversion agreement, before a final decision is made concerning such an agreement.
- (k) To be heard in any proceeding during which a right of the victim is implicated, including release, plea, sentencing, disposition, parole, revocation, expungement, or pardon.
- (l) To have information submitted to the authority with jurisdiction over the case pertaining to the economic, physical, and psychological effect of the crime or juvenile offense upon the victim and to have that information considered by that authority.
- (m) To timely notice of any release or escape of the accused or death of the accused if the accused is in custody or on supervision at the time of death.
- (n) To refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused.
- (o) To full restitution; and to be provided with assistance collecting restitution.
- (p) To have any moneys or property collected from a person who has been ordered to make restitution to the victim be applied first to restitution of the victim before being applied to any amounts owed by that person to the government.
- (q) To compensation as provided by law.
- (r) To timely information about the outcome of the case.
- (s) To timely notice about all rights under this section and all other rights, privileges, or protections of the victim provided by law, including how such rights, privileges, or protections are enforced.
- (3) Except as provided under sub. (2) (q), all provisions of this section are self-executing. The legislature may provide further procedures for compliance with and enforcement of this section.
- (4) (a) In addition to any other available enforcement of rights or remedy for a violation of this section or of other rights, privileges, or protections provided by law, the victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert and seek in any circuit court or before any other authority of competent jurisdiction, enforcement of the rights in this section and any other right, privilege, or protection afforded to the victim by law. The court or other authority with jurisdiction over the case shall act promptly on such a request and afford a remedy for the violation of any right of the victim. The court or other authority with jurisdiction over the case shall clearly state on the record the reasons for any decision regarding the disposition of a victim's right and shall provide those reasons to the victim or the victim's attorney or other lawful representative.
- (b) Victims may obtain review of all adverse decisions concerning their rights as victims by courts or other authorities with jurisdiction under par. (a) by filing petitions for supervisory writ in the court of appeals and supreme court.
- (5) 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 a political subdivision of the state acting in his or her official capacity; or any officer, employee, or agent of the courts acting in his or her official capacity.

(6) This section is not intended and may not be interpreted to supersede a defendant's federal constitutional rights or to afford party status in a proceeding to any victim.[1]

Amendments

Amended with the approval of Wisconsin Marsy's Law Crime Victims Rights Amendment (April 2020) in April 2020.

Text of Section 10:

Treason

Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.[1]

Text of Section 11:

Searches and Seizures

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.[1]

Text of Section 12:

Attainder; Ex Post Facto; Contracts

No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate. Private property for public use.[1]

Text of Section 13:

Private Property for Public Use

The property of no person shall be taken for public use without just compensation therefore.[1]

Text of Section 14:

Feudal Tenures; Leases; Alienation

All lands within the state are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural land for a longer term than fifteen years in which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land, hereafter made, are declared to be void.[1]

Text of Section 15:

Equal Property Rights for Aliens and Citizens

No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.[1]

Text of Section 16:

Imprisonment for Debt

No person shall be imprisoned for debt arising out of or founded on a contract, expressed or implied.[1]

Text of Section 17:

Exemption of Property of Debtors

The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.[1]

Text of Section 18:

Freedom of Worship; Liberty of Conscience; State Religion; Public Funds

The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or to maintain any ministry, without consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.[1]

1979 J.R. 36, 1981 J.R. 29, vote Nov. 1982.

Text of Section 19:

Religious Tests Prohibited

No religious tests shall ever be required as a qualification for any office of public trust under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.[1]

Text of Section 20:

Military Subordinate to Civil Power

The military shall be in strict subordination to the civil power.[1]

Text of Section 21:

Rights of Suitors

(1) Writs of error shall never be prohibited, and shall be issued by such courts as the legislature designates by law.

(2) In any court of this state, any suitor may prosecute or defend his suit either in his own proper person or by an attorney of the suitor's choice.[1]

1975 J.R. 13, 1977 J.R. 7, vote April 1977.

Text of Section 22:

Maintenance of Free Government

The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.[1]

Text of Section 23:

Transportation of School Children

Nothing in this constitution shall prohibit the legislature from providing for the safety and welfare of children by providing for the transportation of children to and from any parochial or private school or institution of learning.[1]

1965 J.R. 46, 1967 J.R. 13, vote April 1967.

Text of Section 24:

Use of School Buildings

Nothing in this constitution shall prohibit the legislature from authorizing, by law, the use of public school buildings by civic, religious or charitable organizations during nonschool hours upon payment by the organization to the school district of reasonable compensation for such use.[1]

1969 J.R. 38, 1971 J.R. 27, vote April 1972.

Text of Section 25:

Right to Keep and Bear Arms

The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.[1]

1995 J.R. 27, 1997 J.R. 21, vote November 1998.

Text of Section 26:

Right to Fish, Hunt, Trap, and Take Game

The people have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law.[1]

2001 J.R. 16, 2003 J.R. 8, vote April 2003.

WYOMING (WY) BILL OF RIGHTS

PREAMBLE:

We, the people of the State of Wyoming, grateful to God for our civil, political and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this Constitution.[1]

ARTICLE I:

Article 1 of the Wyoming Constitution is entitled Declaration of Rights and consists of 37 sections.

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]

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]

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]

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]

Text of Section 5:

Imprisonment for Debt

No person shall be imprisoned for debt, except in cases of fraud.[1]

Text of Section 6:

Due Process of Law

No person shall be deprived of life, liberty or property without due process of law.[1]

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]

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]

Text of Section 9:

Trial by Jury Inviolable

The right of trial by jury shall remain inviolable 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]

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.

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 delicti [delicti] is found, or in any county or district in which the victim was transported.[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.

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]

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]

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]

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]

Text of Section 15:

Penal Code to Be Humane

The penal code shall be framed on the humane principles of reformation and prevention.[1]

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]

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]

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]

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]

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]

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]

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]

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]

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]

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]

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 attainted of treason by the legislature.[1]

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 untrammelled exercise of the right of suffrage.[1]

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]

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.

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]

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]

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]

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]

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]

Text of Section 34:

Uniform Operation of General Law

All laws of a general nature shall have a uniform operation.[1]

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]

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]

Text of Section 37:

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]

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]

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]