

1 A proposal to revise
2 ARTICLE I, s. 22, Fla. Const.; providing that a
3 defendant charged with a capital offense may
4 not be sentenced to death unless such sentence
5 is recommended by 9 members of a jury of 12
6 persons.

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8 It is proposed by the Florida Constitution Revision Commission
9 that:

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11 Section 1. Section 22 of Article I of the Florida
12 Constitution is revised by amending that section to read:

13 ARTICLE I

14 DECLARATION OF RIGHTS

15 SECTION 22. Trial by jury; death sentence.--

16 (a) The right of trial by jury shall be secure to all
17 and remain inviolate. Except as provided in subsection (b),
18 the qualifications and the number of jurors, not fewer than
19 six, shall be fixed by law.

20 (b) The judge shall, upon recommendation of the jury,
21 sentence the defendant convicted of a capital offense as
22 follows:

23 (1) death by a vote of seven members of the jury;
24 (2) life imprisonment in solitary confinement without
25 possibility of parole by a vote of seven members of the jury;
26 or to

27 (3) life imprisonment without possibility of parole by
28 a vote of seven members of the jury.

29
30 In the event of a nondecisive jury vote, the sentence of life
31 imprisonment without possibility of parole shall be imposed.