Proposed Revision of the CONSTITUTION

THE CONSTITUTION OF
THE COMMONWEALTH OF KENTUCKY

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.

ARTICLE I. BILL OF RIGHTS

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

Section One. Basic Rights

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 worshiping 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 Commonwealth, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Section Two. Arbitrary Power

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

Section Three. Equality of Man

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 the legislative powers of the State shall be exercised in such manner, as to prevent the granting of such privileges in the future, and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

Section Four. Inherent Power

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 and equality of personal rights; and 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.

Section Five. Religious Freedom

No preference shall ever be given by law to any religious sect, society, denomination; nor to any particular mode of worship or religious practice. And no religious qualification shall ever be required by law for the exercise of civil rights. No person shall 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 conscientiously object; 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.

Section Six. Free Elections

All elections shall be free and equal.

Section Seven. Trial by Jury

The right shall exist to trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

Section Eight. Free Speech and Press

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

Section Nine. Libel Prosecutions

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

Section Ten. Search and Seizure

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 house or place or seize any person or thing, without describing as nearly as may be, nor without probable cause supported by oath or affirmation.

Section Eleven. Rights of Accused

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 he is protected from unlawful interference by the State, and the duty of the State to furnish him counsel in certain cases, as well as other important rights, shall be provided by general law for a change of venue in such prosecutions, for the trial of offenses in the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

Section Twelve. Method of Prosecution

No person shall be prosecuted criminally, except by indictment, presentment or 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 General Assembly or magistrate or officer.

Section Thirteen. Double Jeopardy; Eminent Domain

No person shall, for the same offense, be 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 just compensation being previously made to him.

Section Fourteen. Judicial Remedy

All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Section Fifteen. Suspension of Laws

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

Section Sixteen. Bail; Habeas Corpus

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

Section Seventeen. Excessive Bail or Penalty

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

Section Eighteen. Imprisonment for Debt

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

Section Nineteen. Ex Post Facto Law; Impairment of Contracts

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

Section Twenty. Attainder

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

Section Twenty-One. Descent and Distribution

The estate of such persons as may destroy their own lives shall descend or vest as in case of natural death; and if any person shall be killed by casualty, death, and no will shall be found, his estate shall descend and be distributed as in case of intestacy.

Section Twenty-Two. Military Maintenance

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.

Section Twenty-Three. Vesting of Offices

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

Section Twenty-Four. Emigration

Emigration from the Commonwealth shall not be prohibited.

Section Twenty-Five. Involuntary Servitude

Slavery and involuntary servitude in this Commonwealth are forbidden except as a punishment for crime, whereof the person shall have been duly convicted.

Section Twenty-Six. Waiver of Indictment

An accused person who has the right under this Constitution to be tried only by indictment may, after receiving the advice of counsel, waive that right and consent to be tried by information.

Section Twenty-Seven. Detention of Witnesses

No person who may be a material witness in a criminal prosecution may be detained as such after his testimony has been taken, but he may be detained for a reasonable period of time for identification.

Section Twenty-Eight. Intercession of Communications

The people shall be secure in intercession of telegraphic messages and possessions from interception of telegraphic messages, other electronic means of communication, from unauthorized use of electronic communications by electric, electronic or mechanical means.

To guard against transgression of the high principles which we delegate below, we declare that everything in this Bill of Rights is excepted out of the general powers of government and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

ARTICLE II. GENERAL POWERS OF GOVERNMENT

Section One. Separation of Powers

The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Section Two. No person or collection of persons being of one of these departments shall exercise any power properly belonging to either of the others, except in cases hereinafter expressly directed or permitted.

ARTICLE III. LEGISLATIVE DEPARTMENT

Section One. Legislative Power; General Assembly

The legislative power shall be vested in a House of Representatives and a Senate which together shall be styled "The General Assembly of the Commonwealth of Kentucky."

Section Two. Number of Legislators; Terms

The number of Senators shall be one hundred. The number of Senators shall be thirty-eight. The terms of office of Senators shall be four years, except that one-half of the Senate elected at a regular election shall be elected for two years, to the end that one-half may be elected biennially.

Section Three. Qualifications of House; Election and Terms of Members

No person in the Senate shall be composed of one Senatorial District, elected by the qualified voters of the district. Senators shall hold their offices for terms of four years. The several districts shall be arranged into three groups so that, as nearly as practicable, one-third of the Senators shall be elected every second year.

No person shall be a member of Representatives shall be composed of one district, elected by the qualified voters of the district. Representatives shall hold their offices for terms of four years. The several districts shall be arranged into two groups so that, as nearly as practicable, one-half of the Representatives shall be elected every second year.

Section Four. Qualifications of Legislators

No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this Commonwealth two years next preceding his election, and the last year next preceding his election the district for which he may be chosen; but a citizen of Kentucky, temporarily absent from the State on business of the United States or of a citizen of Kentucky, shall not be considered absent from the State or district for which he may be elected within the meaning of this section.

Section Five. Legislative Districts

Within two years after the adoption of this Constitution shall divide the Commonwealth into thirty-eight Senatorial districts, and one hundred Representative Districts, and, thereafter, after each enumeration provided for by this Constitution, shall alter such districts, dividing any county, except where a county must include more than one district, which districts shall constitute the Senatorial and Representative Districts for the next ensuing election; but no alteration of districts shall then, and every fifth time, the General Assembly shall then, and every fifth time, the General Assembly shall thereafter determine the number of Senators and Representatives entitled to sit in this rule, and in the apportionment of representation among said districts, inequality of population shall be observed as little as possible to the advantage of any thereof; but no district shall be given to districts having a less population than the ratio, unless it be necessary to avoid to another county to make a district, and the counties forming a district shall be contiguous.

Section Six. Redistricting Commissioners

Whenever the duty of redistricting of the Commonwealth for Senatorial districts shall devolve upon the General Assembly, the Governor, with the approval of the Senate, shall appoint a commission of seven persons, not more than seven nor more than fifteen members, which commission shall have power to employ assistants for redistricting to the General Assembly.

Section Seven. Officers of Legislature

The House of Representatives shall choose its Speaker and other officers, and the Senate shall choose its officers.

Section Eight. Schedule and Place of Legislative Sessions

Subsection One. The General Assembly shall meet in regular session at the seat of government of this Commonwealth, in the year next following the election of Representatives, and thereafter on the first Tuesday in January every year, except in years following the election of Governor, when it shall meet on the first Tuesday next after the first Monday in January every year, except that