

Declaration of Rights Student Handout

The Constitution of the Commonwealth of Pennsylvania

ARTICLE I

DECLARATION OF RIGHTS

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT

INHERENT RIGHTS OF MANKIND

Section 1. 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.

POLITICAL POWERS

Section 2. 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.

RELIGIOUS FREEDOM

Section 3. 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.

RELIGION

Section 4. No person who acknowledges the being of a God and a future state of reward and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

ELECTIONS

Section 5. 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.

TRIAL BY JURY

Section 6. Trial by jury shall be as heretofore and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.

FREEDOM OF PRESS AND SPEECH; LIBELS

Section 7. 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 indictment 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.

SECURITY FROM SEARCHES AND SEIZURES

Section 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

RIGHT OF ACCUSED IN CRIMINAL PROSECUTIONS

Section 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to be confronted with the witnesses against him, to

have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself. Notwithstanding the provisions of this section, the General Assembly may by statute provide for the manner of testimony of child victims or child material witnesses in criminal proceedings, including the use of videotaped depositions or testimony by closed-circuit television.

INITIATION OF CRIMINAL PROCEEDINGS; TWICE IN JEOPARDY; EMINENT DOMAIN

Section 10. 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.

COURTS TO BE OPEN; SUITS AGAINST THE COMMONWEALTH

Section 11. 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.

POWER OF SUSPENDING LAWS

Section 12. No power of suspending laws shall be exercised unless by the Legislature or by its authority.

BAIL; FINES AND PUNISHMENTS

Section 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

PRISONERS TO BE BAILABLE; HABEAS CORPUS

Section 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SPECIAL CRIMINAL TRIBUNALS

Section 15. No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases.

INSOLVENT DEBTORS

Section 16. The person of 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.

EX POST FACTO LAWS; IMPAIRMENT OF CONTRACTS

Section 17. 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.

ATTAINER

Section 18. No person shall be attainted of treason or felony by the Legislature.

ATTAINER LIMITED

Section 19. No attainer shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

RIGHT OF PETITION

Section 20. 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.

RIGHT TO BEAR ARMS

Section 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

STANDING ARMY; MILITARY SUBORDINATE TO CIVIL POWER

Section 22. 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.

QUARTERING OF TROOPS

Section 23. 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.

TITLES AND OFFICES

Section 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer term than during good behavior.

RESERVATION OF POWERS IN PEOPLE

Section 25. 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.

NO DISCRIMINATION BY COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS

Section 26. 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.

NATURAL RESOURCES AND THE PUBLIC ESTATE

Section 27. 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.

PROHIBITION AGAINST DENIAL OR ABRIDGMENT OF EQUALITY OF RIGHTS BECAUSE OF SEX

Section 28. Equality of right under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.