

**CONSTITUTION
of the
COMMONWEALTH OF PENNSYLVANIA**

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Constitution of 1874. The Constitution of 1874 was adopted November 3, 1873, by a Constitutional Convention which was called pursuant to the act of April 11, 1872 (P.L.53, No.42). The Constitution was ratified at a special election held December 16, 1873, and went into effect January 1, 1874. This Constitution was amended in 1901, 1909, 1911, 1913, 1915, 1918, 1920, 1922, 1923, 1928, 1933, 1937, 1943, 1945, 1949, 1951, 1953, 1955, 1956, 1957, 1958, 1959, 1961, 1963 and 1965. By statute, 1 Pa.C.S. § 906, the Constitution, as adopted by referendum of December 16, 1873, shall be known and may be cited as the Constitution of 1874.

Constitution of 1968. The Constitution of 1874 was modified and renumbered by extensive amendments on May 17, 1966, November 8, 1966, and May 16, 1967; and by proclamation of the Governor of July 7, 1967, P.L.1063, pursuant to the act of August 17, 1965 (P.L.345, No.180). Proposals 1 through 7 to amend the Constitution were recommended by a Constitutional Convention which was called pursuant to the act of March 15, 1967 (P.L.2, No.2). The proposals were approved by the electorate on April 23, 1968. By statute, 1 Pa.C.S. § 906, the Constitution, as amended by referenda of May 17, 1966, November 8, 1966, May 16, 1967, and April 23, 1968, and as numbered by proclamation of the Governor of July 7, 1967, shall be known and may be cited as the

Constitution of 1968.

Section Headings. Section headings were not contained in the Constitution as adopted by referendum of December 16, 1873, but were either added by various constitutional amendments or promulgated on June 11, 1974, P.L.1573, by the Director of the Legislative Reference Bureau with the approval of the Attorney General under statutory authority contained in 1 Pa.C.S. § 905.

Explanation of Amendment Notes. Unless otherwise noted, amendments are referred to by date of adoption by the electorate together with a reference to the applicable joint resolution (J.R.) or, in rare cases, concurrent resolution (C.R.) adopted by the General Assembly and the page in the Laws of Pennsylvania (P.L.) in which the joint resolution or concurrent resolution was published.

PREAMBLE

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I DECLARATION OF RIGHTS

Sec.

1. Inherent rights of mankind.
2. Political powers.
3. Religious freedom.
4. Religion.
5. Elections.
6. Trial by jury.
7. Freedom of press and speech; libels.
8. Security from searches and seizures.
9. Rights of accused in criminal prosecutions.
10. Initiation of criminal proceedings; twice in jeopardy; eminent domain.
11. Courts to be open; suits against the Commonwealth.
12. Power of suspending laws.
13. Bail, fines and punishments.
14. Prisoners to be bailable; habeas corpus.
15. Special criminal tribunals.
16. Insolvent debtors.
17. Ex post facto laws; impairment of contracts.
18. Attainder.
19. Attainder limited.

20. Right of petition.
21. Right to bear arms.
22. Standing army; military subordinate to civil power.
23. Quartering of troops.
24. Titles and offices.
25. Reservation of powers in people.
26. No discrimination by Commonwealth and its political subdivisions.
27. Natural resources and the public estate.
28. Prohibition against denial or abridgment of equality of rights because of sex.

Adoption. Unless otherwise noted, the provisions of Article I were adopted December 16, 1873, 1874 P.L.3, effective January 1, 1874.

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

§ 1. Inherent rights of mankind.

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

§ 2. Political powers.

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

§ 3. Religious freedom.

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

§ 4. Religion.

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

§ 5. Elections.

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

§ 6. Trial by jury.

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

(May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)

§ 7. Freedom of press and speech; libels.

The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Constitutionality. The provisions of section 7 relating to criminal libel were declared unconstitutional by the Supreme Court of Pennsylvania in *Commonwealth v. Armao*, 446 Pa. 325, 286 A.2d 626 (1972).

§ 8. Security from searches and seizures.

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

§ 9. Rights of accused in criminal prosecutions.

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or

information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself.

(Nov. 6, 1984, P.L.1306, J.R.2; Nov. 7, 1995, 1st Sp.Sess., P.L.1151, J.R.1; Nov. 4, 2003, P.L. , J.R.1)

§ 10. Initiation of criminal proceedings; twice in jeopardy; eminent domain.

Except as hereinafter provided no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. Each of the several courts of common pleas may, with the approval of the Supreme Court, provide for the initiation of criminal proceedings therein by information filed in the manner provided by law. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

(Nov. 6, 1973, P.L.452, J.R.2)

§ 11. Courts to be open; suits against the Commonwealth.

All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

§ 12. Power of suspending laws.

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

§ 13. Bail, fines and punishments.

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

§ 14. Prisoners to beailable; habeas corpus.

All prisoners shall beailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the

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

(Nov. 3, 1998, P.L.1327, J.R.1)

§ 15. Special criminal tribunals.

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

(May 16, 1967, P.L.1035, J.R.1)

§ 16. Insolvent debtors.

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

§ 17. Ex post facto laws; impairment of contracts.

No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

§ 18. Attainder.

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

§ 19. Attainder limited.

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

(May 16, 1967, P.L.1035, J.R.1)

§ 20. Right of petition.

The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

§ 21. Right to bear arms.

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

§ 22. Standing army; military subordinate to civil power.

No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

§ 23. Quartering of troops.

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

§ 24. Titles and offices.

The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to

which shall be for a longer term than during good behavior.

§ 25. Reservation of powers in people.

To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

(May 16, 1967, P.L.1035, J.R.1)

1967 Amendment. Joint Resolution No.1 repealed former section 25 and renumbered former section 26 to present section 25.

§ 26. No discrimination by Commonwealth and its political subdivisions.

Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

(May 16, 1967, P.L.1035, J.R.1)

1967 Amendment. Joint Resolution No.1 added present section 26 and renumbered former section 26 to present section 25.

§ 27. Natural resources and the public estate.

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

(May 18, 1971, P.L.769, J.R.3)

1971 Amendment. Joint Resolution No.3 added section 27.

§ 28. Prohibition against denial or abridgment of equality of rights because of sex.

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

(May 18, 1971, P.L.767, J.R.2)

1971 Amendment. Joint Resolution No.2 added section 28.