

State	State Constitutional Provision	Broader than the Eighth?	Important Holdings	Important Citations to Graham	Discr. Parole?	LWOP?/ JLWOP?
Alabama	AL Art. I, Sec. 15 - Excessive fines; cruel or unusual punishment. That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.	Probably Not	Wilson v. State, 830 So. 2d 765 (Ala. Crim. App. 2001).	Miller v. State, 63 So. 3d 676 (Ala. Crim. App. 2010) (overturned by SCOTUS in Miller v. Alabama, 132 S. Ct. 2455 (U.S. 2012)).	Yes, but limited	Yes/ Yes
Alaska	AK Section 1.12 - 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.	No	<u>Green v. State, 390 P.2d 433 (Alaska 1964); Abraham v. State, 585 P.2d 526 (Alaska 1978); Moore v. State, 262 P.3d 217 (Alaska 2011).</u>	N/A	Yes	No/ No
Arizona	AZ Article 2, Section 15 - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.	Probably Not	State v. Davis, 206 Ariz. 377 (Ariz. 2003).	State v. Nelson, 273 P.3d 632 (Ariz. 2012); State v. Kasic, 228 Ariz. 228, (Ariz. Ct. App. 2011).	No	Yes/ Yes
Arkansas	AR Article 2, Section 9 - 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.	No	Bunch v. State, 344 Ark. 730 (Ark. 2001).	Bell v. State, 2011 Ark. 379 (Ark. 2011); Cox v. State, 2011 Ark. 96 (Ark. 2011).	Yes	Yes/ Yes
California	CA Art. I § 17 - Cruel or unusual punishment; Excessive fines. Cruel or unusual punishment may not be inflicted or excessive fines imposed.	Yes	People v. Young, 34 Cal. 4th 1149 (Cal. 2005); People v. Cole, 33 Cal. 4th 1158 (Cal. 2004); People v. Carmony, 127 Cal. App. 4th 1066 (Cal. App. 3d Dist. 2005).	People v. Caballero, 55 Cal. 4th 262 (Cal. 2012).	Yes, but limited	Yes/ Yes
Colorado	CO Art. II, Section 20 - Excessive bail, fines or punishment Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.	No	People v. Young, 814 P.2d 834 (Colo. 1991); People v. Anaya, 894 P.2d 28 (Colo. Ct. App. 1994).	N/A	Yes	Yes/ No

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Connecticut	<p>CT Art. I., Sec. 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.</p> <p>Art. I., Sec. 8 - 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.</p> <p>Art. I., Sec. 9 - No person shall be arrested, detained or punished, except in cases clearly warranted by law.</p>	Maybe	State v. Santiago, 305 Conn. 101 (Conn. 2012); State v. Webb, 238 Conn. 389 (Conn. 1996).	State v. Rizzo, 303 Conn. 71 (Conn. 2011); State v. B.B., 300 Conn. 748 (Conn. 2011).F5	Yes	Yes/ Yes
Delaware	<p>DE Article 1, §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.</p>	No	Sanders v. State, 585 A.2d 117 (Del. 1990); Wallace v. State, 956 A.2d 630 (Del. 2008).	State v. Twyman, 2010 Del. Super. LEXIS 442 (Del. Super. Ct. Oct. 19, 2010).	No	Yes/ Yes

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Florida	FL § 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. Fla. Const. Art. I, § 17 (2012) (Emphasis added).	No	Hall v. State, 823 So. 2d 757, 760 (Fla. 2002); Lightbourne v. McCollum, 969 So. 2d 326 (Fla. 2007).	Floyd v. State, 87 So. 3d 45 (Fla. Dist. Ct. App. 1st Dist. 2012); Henry v. State, 82 So. 3d 1084 (Fla. Dist. Ct. App. 5th Dist. 2012).	No	Yes/ Yes
Georgia	GA Article I, Section I - 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.	Maybe	Dawson v. State, 274 Ga. 327 (Ga. 2001); Fleming v. Zant, 259 Ga. 687 (Ga. 1989); Bragg v. State, 296 Ga. App. 422 (Ga. Ct. App. 2009).	Adams v. State, 288 Ga. 695 (Ga. 2011).	Yes, but limited	Yes/ Yes
Hawaii	HI Article I, 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.	Maybe	State v. Jenkins, 93 Haw. 87 (Haw. 2000); State v. Kido, 3 Haw. App. 516 (Haw. Ct. App. 1982); State v. Iaukea, 56 Haw. 343, 359-360 (Haw. 1975).	N/A	Yes	Yes/ Yes
Idaho	ID Art. I, § 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.	No	State v. Brown, 121 Idaho 385 (Idaho 1992); Gibson v. Bennett, 141 Idaho 270 (Idaho Ct. App. 2005); State v. Olivera, 131 Idaho 628 (Idaho Ct. App. 1998).	State v. Draper, 151 Idaho 576, 261 P.3d 853, (2011).	Yes	Yes/ Yes

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Illinois	IL Art. I, § 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.	Yes	People v. Clemons, 968 N.E.2d 1046 (Ill. 2012); People v. Sharpe, 216 Ill. 2d 481 (Ill. 2005).	People v. Jackson, 965 N.E.2d 623 (Ill. App. Ct. 1st Dist. 2012); People v. Salas, 961 N.E.2d 831 (Ill. App. Ct. 1st Dist. 2011); People v. Gay, 960 N.E.2d 1272 (Ill. App. Ct. 4th Dist. 2011).	No	Yes/ Yes
Indiana	IN Art. 1, § 16 - Excessive bail, punishment, and penalties. 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.	Yes	Clark v. State, 561 N.E.2d 759 (Ind. 1990); Taylor v. State, Ind., 511 N.E.2d 1036 (Ind. 1987).	Conley v. State, 2012 Ind. LEXIS 642 (Ind. July 31, 2012).	No	Yes/ Yes
Iowa	IA Iowa Const., Art. I § 17 SEC. 17 - Bail -- punishments. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.	Probably Yes	State v. Oliver, 812 N.W.2d 636 (Iowa 2012); State v. Bruegger, 773 N.W.2d 862 (Iowa 2009).	State v. Ragland, 812 N.W.2d 654 (Iowa 2012); State v. Oliver, 812 N.W.2d 636, 639 (Iowa 2012).	Yes	Yes/ Yes
Kansas	KS § 9 - Bail; fines; cruel and unusual punishment. All persons shall be bailable 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.	No	State v. Freeman, 223 Kan. 362 (Kan. 1978); State v. Mossman, 281 P.3d 153 (Kan. 2012); State v. Gomez, 290 Kan. 858 (Kan. 2010).	State v. Cameron, 281 P.3d 143 (Kan. 2012); State v. Procter, 280 P.3d 839 (Kan. Ct. App. 2012).	No	Yes/ No
Kentucky	KY § 17 - Excessive bail or fine, or cruel punishment, prohibited. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.	Probably Not	Riley v. Commonwealth, 120 S.W.3d 622 (Ky. 2003); Hampton v. Commonwealth, 666 S.W.2d 737 (Ky. 1984); Workman v. Commonwealth, 429 S.W.2d 374 (Ky. 1968).	Sanford v. Commonwealth, 2011 Ky. Unpub. LEXIS 109 (Ky. Dec. 22, 2011); Turpin v. Commonwealth, 350 S.W.3d 444 (Ky. 2011).	Yes	Yes/ No
Louisiana	LA Art. I, § 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.	Yes	State v. Jones, 639 So. 2d 1144 (La. July 5, 1994); State v. Perry, 610 So. 2d 746 (La. 1992); State v. Bonanno, 384 So. 2d 355 (La. 1980); State v. Boudreaux, 2012 La. App. LEXIS 987, 7-9 (La.App. 4 Cir. July 25, 2012);	State v. Shaffer, 77 So. 3d 939 (La. 2011).	Yes	Yes/ Yes
Maine	ME Art. I, § 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.	Maybe	State v. Ward, 2011 ME 74 (Me. 2011); Gilman, 2010 ME 35 (Me. 2010).	State v. Ward, 2011 ME 74 (Me. 2011).	No	Yes/ Yes

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Maryland	MD Art. 16 - Sanguinary laws to be avoided; cruel and unusual punishment 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. Art. 25 - Excessive bail, fines and punishment That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law.	No	Thomas v. State, 333 Md. 84 (Md. 1993); Epps v. State, 333 Md. 121 (Md. 1993).	N/A	Yes, but limited	Yes/ Yes
Massachusetts	MA Pt. 1, Art. XXVI - Excessive Bail or Fines, and Cruel Punishments Prohibited. No magistrate or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments. No provision of the Constitution, however, shall be construed as prohibiting the imposition of the punishment of death. The general court may, for the purpose of protecting the general welfare of the citizens, authorize the imposition of the punishment of death by the courts of law having jurisdiction of crimes subject to the punishment of death.	Probably Not	Commonwealth v. Alvarez, 413 Mass. 224 (Mass. 1992); Michaud v. Sheriff of Essex County, 390 Mass. 523 (Mass. 1983); Cepulonis v. Commonwealth, 384 Mass. 495 (Mass. 1981).	No important cases	Yes	Yes/ Yes
Michigan	MI Art. I, § 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.	Maybe	People v. Bullock, 440 Mich. 15 (Mich. 1992); People v. Coles, 417 Mich. 523 (Mich. 1983); People v. Lorentzen, 387 Mich. 167 (Mich. 1972).	No important cases	Yes	Yes/ Yes
Minnesota	MN Art. I, § 5 - No excessive bail or unusual punishments. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.	Probably Not	State v. McDaniel, 777 N.W.2d 739 (Minn. 2010); State v. Mitchell, 577 N.W.2d 481 (Minn. 1998).	No important cases	No	Yes/ Yes
Mississippi	MS Art. 3, § 28 - Cruel or unusual punishment prohibited Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.	No	Davis v. State, 724 So. 2d 342 (Miss. 1998); Hoops v. State, 681 So.2d 521 (Miss. 1996).	Jones v. State, 2011 Miss. App. LEXIS 505 (Miss. Ct. App. Aug. 23, 2011); Evans v. State, 2011 Miss. App. LEXIS 343, 30 (Miss. Ct. App. June 14, 2011).	No	Yes/ Yes
Missouri	MO Art. I, § 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.	No	State v. Lee, 841 S.W.2d 648 (Mo. 1992); State v. Dillard, 158 S.W.3d 291 (Mo. Ct. App. 2005).	State v. Andrews, 329 S.W.3d 369 (Mo. 2010).	Yes	Yes/ Yes
Montana	MT Art. II, § 22 - Excessive bail shall not be required, or	No	Driver v. Sentence Review Div., 355 Mont. 273 (2010);	N/A	Yes	Yes/ No
Nebraska	NE Art. I, § 9 - All persons shall beailable by sufficient	No	State v. Sandoval, 280 Neb. 309 (2010); State v. Mata,	N/A	Yes	Yes/ Yes
Nevada	NV Art. I, § 6 - Excessive bail shall not be required, nor	No	Chavez v. State, 125 Nev. 328 (2009); Tanksley v.	N/A	Yes	Yes/ Yes
New Hampshire	NH Art. 18 - All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the	No	State v. Burgess, 156 N.H. 746 (2008); State v. Lambert, 147 N.H. 295 (2001); State v. Johnson, 145	N/A	Yes	Yes/ Yes
New Jersey	NJ Art. I, 12 - Excessive bail shall not be required, excessive	No	State v. Randolph, 210 N.J. 330 (2012); State v.	N/A	Yes	Yes/ Yes
New Mexico	NM Art. II, § 13 - All persons shall, before conviction be	No	State v. Juan, 148 N.M. 747 (2010); State v. Rueda,	N/A	Yes	Yes/ No
New York	NY Art. I, § 5 - Excessive bail shall not be required nor	No	People v. Johnson, 216 A.D.2d 583 (1995); People v.	N/A	Yes.	Yes/ Yes
North Carolina	NC Art. I, § 27 - Excessive bail shall not be required, nor	No	State v. Clifton, 158 N.C.App. 88 (2003); State v.	N/A	Yes.	Yes/ Yes

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North Dakota	ND Art. I, § 11 - All persons shall be bailable by sufficient	No	State v. Carpenter, 793 N.W.2d 765, 772-73 (N.D.	N/A	Yes	Yes/ Yes
Ohio	OH Art. I, § 9 - All persons shall be bailable by sufficient	Yes.	In re C.P., 131 Ohio St.3d 513, 529 (2012); In re J.B.,	In re C.P., 131 Ohio St.3d 513 (2012).	Yes	Yes/ Yes
Oklahoma	OK Art II, § 9 - Excessive bail shall not be required, nor	No	Dodd v. State, 879 P.2d 822, 827 (Okla.Crim.App.	N/A	Yes	Yes/ Yes
Oregon	OR Art. I, § 16 - Excessive bail shall not be required, nor	Probably	State v. Alwinger, 236 Or.App. 240 (2010); State v.	N/A	Yes	Yes/ Yes
Pennsylvania	PA Art. I, § 13 - Excessive bail shall not be required, nor	No	Commonwealth v. Yasipour, 957 A.2d 734 (Pa.Sup.	Commonwealth v. Lesko, 609 Pa. 128 (Pa. 2011).	Yes	Yes/ Yes
Rhode Island	RI Art. I, § 8 - Excessive bail shall not be required, nor	No	State v. Monteiro, 924 A.2d 784 (R.I. 2007); McKinney	N/A	Yes	Yes/ Yes
South Carolina	SC Art. I, § 15 - All persons shall be, before conviction,	No	State v. White, 349 S.C. 33 (2007); State v. Jones,	N/A	Yes	Yes/ Yes
South Dakota	SD Art. VI, § 23 - Excessive bail shall not be required,	No	State v. Buchhold, 727 N.W.2d 816 (S.D. 2007); State	State v. Fisher, 783 N.W.2d 664 (S.D. 2010)(regarding	Yes	Yes/ Yes
Tennessee	TN Art. I, § 16 - That excessive bail shall not be required, nor	Maybe	Abdur'Rahman v. Bredesen, 181 S.W.3d 292 (Tenn.	N/A	Yes	Yes/ Yes
Texas	TX Art. I, § 13 - Excessive bail shall not be required, nor	No	Harris v. State, 656 S.W.2d 481 (Tex.Cr.App. 1983);	Meadoux v. State, 325 S.W.3d 189 (Tex. Crim. App.	Yes	Yes/ No
Utah	UT Art. I, § 9 - Excessive bail shall not be required; excessive	Yes.	State v. Lafferty, 20 P.3d 342 (Utah 2001); State v.	State v. Lebeau, 286 P.3d 1 (Ut. App. 2012).	Yes	Yes/ Yes
Vermont	VT Chapter 2, § 39 - [FORMS OF PROSECUTIONS AND INDICTMENTS; FINES] All prosecutions shall commence, By the authority of the State of Vermont . All Indictments shall conclude with these words, against the peace and dignity of the State. And all fines shall be proportioned to the offences.	Probably Not	State v. Bacon, 167 Vt. 88, (Vt. 1997); State v. O'Brien, 106 Vt. 97 (Vt. 1934); State v. Burlington Drug Co., 84 Vt. 243 (Vt. 1911);	N/A	Yes	Yes/ Yes
Virginia	VA Art. I, § 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.	No	<u>Hart v. Commonwealth, 131 Va. 726, 745 (Va. 1921); Department of Prof'l & Occupational Regulation v. Abateco Servs., 33 Va. App. 473, 481 (Va. Ct. App. 2000).</u>	Angel v. Commonwealth, 281 Va. 248 (Va. 2011).	No	Yes/ Yes
Washington	WA Art. I, § 14 - Excessive bail, fines and punishments Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.	Yes	State v. Davis, 175 Wn.2d 287, 343 (Wash. 2012).	In re Pers. Restraint of Diaz, 2012 Wash. App. LEXIS 2217 (Wash. Ct. App. 2012); State v. Milton, 160 Wn. App. 656 (Wash. Ct. App. 2011).	No	Yes/ Yes
West Virginia	WV § 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.	No	Wanstreet v. Bordenkircher, 166 W.Va. 523 (W. Va. 1981); State v. Allen, 208 W. Va. 144, 156 (W. Va. 1999).	N/A	Yes	Yes/ Yes
Wisconsin	WI Wis. Const. Art. I, § 6 - Excessive bail; cruel punishments. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.	No	State v. Ninham, 2011 WI 33 (Wis. 2011); State v. Pratt, 36 Wis. 2d 312, 321-23 (Wis. 1967).	State v. Ninham, 2011 WI 33 (Wis. 2011).	No	Yes/ Yes

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Wyoming	WY Wyo. Const. Art. 1, § 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.	Maybe	Bear Cloud v. State, 2012 WY 16 (Wyo. 2012) (overturned on other grounds); Suval v. State, 6 P.3d 1272 (Wyo. 2000).	Bear Cloud v. State, 2012 WY 16 (Wyo. 2012) (overturned on other grounds); Tucker v. State, 2010 WY 162 (Wyo. 2010).	Yes	Yes/ Yes
District of Columbia DC	NONE	No	Cook v. United States, 932 A.2d 506 (D.C. 2007)	James v. United States, 59 A.3d 1233 (D.C. 2013)	No	Yes/ No