
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1129 Session of
2009

INTRODUCED BY D. O'BRIEN, BRENNAN, CREIGHTON, EVERETT, GEIST,
HARHAI, HARKINS, KORTZ, MICOZZIE, O'NEILL, REICHLEY,
SIPTROTH, SWANGER, J. TAYLOR AND VULAKOVICH, MARCH 26, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 26, 2009

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, further providing for security from searches
3 and seizures.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 8 of Article I be amended to read:

9 § 8. Security from searches and seizures.

10 The people shall be secure in their persons, houses, papers
11 and possessions from unreasonable searches and seizures, and no
12 warrant to search any place or to seize any person or things
13 shall issue without describing them as nearly as may be, nor
14 without probable cause, supported by oath or affirmation
15 subscribed to by the affiant. The rights and procedural
16 restrictions mandated by this section shall be identical to
17 those mandated by the fourth amendment to the Constitution of
18 the United States, as interpreted by the United States Supreme

1 Court. The rights and procedural restrictions respecting
2 searches and seizures shall not be judicially expanded by
3 decisional law or court rule to exceed the rights and procedural
4 restrictions mandated by this section.

5 Section 2. (a) Upon the first passage by the General
6 Assembly of this proposed constitutional amendment, the
7 Secretary of the Commonwealth shall proceed immediately to
8 comply with the advertising requirements of section 1 of Article
9 XI of the Constitution of Pennsylvania and shall transmit the
10 required advertisements to two newspapers in every county in
11 which such newspapers are published in sufficient time after
12 passage of this proposed constitutional amendment.

13 (b) Upon the second passage by the General Assembly of this
14 proposed constitutional amendment, the Secretary of the
15 Commonwealth shall proceed immediately to comply with the
16 advertising requirements of section 1 of Article XI of the
17 Constitution of Pennsylvania and shall transmit the required
18 advertisements to two newspapers in every county in which such
19 newspapers are published in sufficient time after passage of
20 this proposed constitutional amendment. The Secretary of the
21 Commonwealth shall submit this proposed constitutional amendment
22 to the qualified electors of this Commonwealth at the first
23 primary, general or municipal election which meets the
24 requirements of and is in conformance with section 1 of Article
25 XI of the Constitution of Pennsylvania and which occurs at least
26 three months after the proposed constitutional amendment is
27 passed by the General Assembly.