**LAW CLASS**

**The Eighth Amendment**

The Eighth Amendment states:

*"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."*

Vocabulary

Excessive: more than is necessary

Inflicted: cause (something unpleasant or painful) to be suffered.

**A Guide to the Eighth Amendment**

The Eighth Amendment was part of the Bill of Rights that was added to the Constitution on December 15, 1791. This amendment insures that the punishments for crimes are not excessive, cruel, or unusual.

**Excessive Bail**

When a person is arrested for a crime, the judge may set a price the person can pay in order to be set free while they are awaiting their trial. This price is called "bail."

Bail money is returned to the person after the trial is over. The price is set based on the seriousness of the crime and the risk that the person may run away. This part of the amendment assures that the bail will not be set so high that no one could possibly pay it. This would be the same as denying bail altogether.

**Excessive Fines**

Sometimes people or organizations are charged fines by the government as punishment for crimes. This part of the amendment says that the fines shouldn't be excessive. This generally means that the fines shouldn't be out of proportion with the type of crime committed. For example, charging a $1 million fine for littering.

**Cruel and Unusual Punishment**

The protection from "cruel and unusual punishment" is perhaps the most famous part of the Eighth Amendment. This section is meant to prevent horrible punishments such as putting someone's eye out, cutting off their hands, whipping people, or locking people in stocks.

Certain punishments have been determined to be forbidden by the Eighth Amendment including torture, burning alive, drawing and quartering, and taking away a person's U.S. citizenship.

**Death Penalty**

Is the death penalty considered "cruel and unusual punishment"? At first, the answer would seem obvious. Of course it is. However, when the Constitution was written in 1791, the death penalty was a common punishment for murder and other serious crimes.

It was not considered cruel and unusual punishment at the time. The Supreme Court has said that the death penalty is not protected by the Eighth Amendment. Despite this ruling, many people would like to see the death penalty abolished in the United States.

**Corporal Punishment in Schools**

Is "spanking" in the schools considered "cruel and unusual punishment"? The Supreme Court ruled that spanking (also called corporal punishment) is okay in the schools. Many states, however, have banned corporal punishment.

**Interesting Facts about the Eighth Amendment**

* Counties may have their own school corporal punishment rules separate from the state's rule. For example, corporal punishment is legal in the state of North Carolina (as of 2014), but is prohibited in Wake County (a county in North Carolina).
* Judges can choose to deny bail if they believe the suspect is a danger to the community.

Questions to Consider:

 1. What is the purpose of “bail?”

2. What happens to bail money if the accused shows up for trial?

3. How is the amount of bail determined?

4. How are fines determined?

5. What are some examples of “cruel and unusual punishment?”

6. What are some punishments that have been forbidden by the US Constitution?

7. How have courts ruled about the punishment of “spanking?”