Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1296 of the Regular Session

1	State of Arkansas	As Engrossed: H3/9/09 S3/30/09 $f A \ Bill$			
2			HOHAE DILL	1706	
3	Regular Session, 2009		HOUSE BILL	1706	
4	D. D Di				
5	By: Representative Pierce				
6					
7 8		For An Act To Be Entitled			
9	AN ACT	TO CLARIFY THE EXISTING PROCEDURES	FOR		
10		L PUNISHMENT BY LETHAL INJECTION; AND			
11	OTHER PURPOSES.				
12	OTHER	TONE ODED.			
13		Subtitle			
14	ТО	CLARIFY THE EXISTING PROCEDURES FOR			
15		ITAL PUNISHMENT BY LETHAL INJECTION.			
16					
17					
18	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:				
19					
20	SECTION 1. Th	is act shall be known and may be cite	ed as the "Methods	of	
21	Execution Act."				
22					
23	SECTION 2. Ar	kansas Code § 5-4-617 is amended to m	read as follows:		
24	5-4-617. Metho	d of execution.			
25	(a)(1) The se	ntence of death is to be carried out	by intravenous		
26	lethal injection of	one (1) or more chemicals, as determi	ined in kind and		
27	amount in the discre	tion of the Director of the Departmen	nt of Correction.		
28	(2) The	chemical or chemicals injected may i	include one (1) or		
29	more of the following	g substances:			
30	<u>(A</u>	One (1) or more ultra-short-acting	g barbiturates;		
31	<u>(B</u>	One (1) or more chemical paralytic	agents;		
32	<u>(C</u>	Potassium chloride; or			
33	<u>(D</u>	Any other chemical or chemicals, i	including but not		
34	limited to saline solution.				
35	(3) The	condemned convict's death will be pr	ronounced according	<u>g</u>	

1	to accepted standards of medical practice.
2	(4) The Director of the Department of Correction shall determine
3	in his or her discretion any and all policies and procedures to be applied in
4	connection with carrying out the sentence of death, including but not limited
5	to:
6	(A) Matters concerning logistics and personal
7	correspondence concerning witnesses;
8	(B) Security;
9	(C) Injection preparations;
10	(D) Injection implementation; or
11	(E) Arrangements for disposition of the executed convict's
12	body and personal property.
13	(5)(A) The policies and procedures for carrying out the sentence
14	of death and any and all matters related to the policies and procedures for
15	the sentence of death including but not limited to the director's
16	determinations under this subsection are not subject to the Arkansas
17	Administrative Procedure Act, § 25-15-201 et seq.
18	(B) The policies and procedures for carrying out the sentence of
19	death and any and all matters related to the policies and procedures for the
20	sentence of death are not subject to the Freedom of Information Act of 1967,
21	§ 25-19-101 et seq., except for the choice of chemical or chemicals that may
22	be injected, including the quantity, method, and order of the administration
23	of the chemical or chemicals.
24	(b)(1) If this section is held unconstitutional by an appellate court
25	of competent jurisdiction, the sentence of death shall be carried out by
26	electrocution in a manner determined by the Director of the Department of
27	Correction in his or her discretion.
28	(2) However, if the holding of the appellate court described in
29	subdivision (b)(1) of this section is subsequently vacated, overturned,
30	overruled, or reversed, the sentence of death shall be carried out by lethal
31	injection as described in this section.
32	(a)(1) The punishment of death is to be administered by a continuous
33	intravenous injection of a lethal quantity of an ultra-short-acting
34	barbiturate in combination with a chemical paralytic agent until the
35	defendant's death is pronounced according to accepted standards of medical
36	practice.

1	(2) The Director of the Department of Correction shall determine		
2	the substances to be uniformly administered and the procedures to be used in		
3	any execution.		
4	(b) If the execution of the sentence of death as provided in		
5	subsection (a) of this section is held unconstitutional by an appellate court		
6	of competent jurisdiction, then the sentence of death shall be carried out by		
7	electrocution in a manner determined by the director.		
8	(c) Nothing in this section shall be construed as a declaration by the		
9	General Assembly that death by electrocution constitutes cruel and unusual		
10	punishment in violation of the United States Constitution or the Arkansas		
11	Constitution.		
12			
13	SECTION 3. EMERGENCY CLAUSE. It is found and determined by the		
14	General Assembly of the State of Arkansas that the prompt administration of		
15	the death penalty following conviction of a capital offense is necessary to		
16	deter the future commission of capital offenses; and that this act is		
17	immediately necessary to deter capital offenses and prevent the loss of lives		
18	that result upon the commission of capital offenses. Therefore, an emergency		
19	is declared to exist and this act being immediately necessary for the		
20	preservation of the public peace, health, and safety shall become effective		
21	<u>on:</u>		
22	(1) The date of its approval by the Governor;		
23	(2) If the bill is neither approved nor vetoed by the Governor,		
24	the expiration of the period of time during which the Governor may veto the		
25	bill; or		
26	(3) If the bill is vetoed by the Governor and the veto is		
27	overridden, the date the last house overrides the veto.		
28			
29	/s/ Pierce		
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31	APPROVED: 4/9/2009		
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