

Stricken language would be deleted from present law. Underlined language would be added to present law.

As Engrossed: S1/30/97

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

A Bill

ACT 263 OF 1997
SENATE BILL 147

5 By: Senator Kennedy
6 By: Representatives George, Cook, and Young
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 16-90-502 TO
10 ALLOW CLOSE RELATIVES OF DECEASED VICTIMS FOR WHOSE DEATH
11 AN CONVICT IS SENTENCED TO DEATH TO VIEW THE EXECUTION OF
12 THE CONVICT; AND FOR OTHER PURPOSES."

Subtitle

13
14 "TO ALLOW CLOSE RELATIVES OF DECEASED
15 VICTIMS FOR WHOSE DEATH AN CONVICT IS
16 SENTENCED TO DEATH TO VIEW THE EXECUTION
17 OF THE CONVICT"
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. *Arkansas Code Annotated §16-90-502 is amended to read as*
23 *follows:*

24 "16-90-502. *Conduct of execution.*

25 (a) *Each execution shall be conducted by the ~~superintendent~~ Director of*
26 *the Department of Correction or some assistant or assistants designated by*
27 *him.*

28 (b) *The punishment of death must, in every case, be ~~inflicted by~~*
29 *~~causing to pass through the body of a convict a current of electricity of~~*
30 *~~sufficient intensity to cause death. The application of the current must be~~*
31 *~~continued until the convict is dead, carried out in the manner prescribed at~~*
32 *§5-4-617.*

33 (c) *The ~~superintendent~~ Director or the assistants appointed by him shall*
34 *proceed unless a suspension of execution is ordered, at the time named in the*
35 *sentence, to cause the death of the felon under sentence of death to be*
36 *electrocuted until he is dead in the manner prescribed at §-5-4-617.*

1 (d)(1) No execution of any person convicted in this state of a capital
2 offense shall be public; but it shall be private. ~~Any officer convicted of~~
3 ~~violating this subdivision shall be fined in any sum not less than one hundred~~
4 ~~dollars (\$100).~~

5 (2) At the execution there shall be present the ~~superintendent~~
6 Director or an assistant, the surgeon of the penitentiary or his assistant,
7 and a number of respectable citizens numbering not fewer than six (6) nor more
8 than twelve (12) whose presence is necessary to verify that the execution was
9 conducted in the manner required by law. The counsel for the convict and a
10 minister of the Gospel may be present.

11 (3) During the execution there shall be a closed circuit audio-
12 visual monitor placed in a location chosen by the Director, and any close
13 relatives of the deceased victim or surviving innocent victims who desire to
14 view the execution may be present. In no case shall the number of viewers
15 exceed five (5) per execution. No audio or video recording shall be made of
16 the execution.

17 (A) 'Close relatives of the victim' shall mean the following
18 persons in relation to the victim for whose death an inmate is sentenced to
19 death:

20 (i) the spouse of the victim at the time of the victim's
21 death;

22 (ii) the parents or step-parents of the deceased victim;

23 (iii) the adult brothers, sisters, children, or step-
24 children of the deceased victim; or

25 (iv) any other adult relative with a close relationship to
26 the deceased victim.

27 (B) 'Surviving innocent victims' shall mean any person innocently
28 present during the commission of the capital offence who sustained an injury,
29 either physical or emotional, and such injury results in a separate conviction
30 for a lesser offense which arises out of the same course of conduct."

31 SECTION 2. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

34

35 SECTION 3. If any provision of this act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

4

5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

7

/s/ Kennedy et al

8

9

10

11

12

13

14

APPROVED: 2-25-97

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36