

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H1/22/99*

# A Bill

Act 78 of 1999  
HOUSE BILL 1164

5 By: Representative Vess  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 16-90-502 TO  
10 ESTABLISH THE PERSONS WHO MAY BE PRESENT FOR  
11 EXECUTIONS; AND FOR OTHER PURPOSES."

## Subtitle

13 "TO AMEND ARKANSAS CODE § 16-90-502 TO  
14 ESTABLISH THE PERSONS WHO MAY BE PRESENT  
15 FOR EXECUTIONS."  
16  
17  
18

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

21 SECTION 1. Arkansas Code 16-90-502 is amended to read as follows:

22 "16-90-502. Conduct of execution.

23 (a) Each execution shall be conducted by the Director of the Department  
24 of Correction or some assistant or assistants designated by him.

25 (b) The punishment of death must, in every case, be carried out in the  
26 manner prescribed at § 5-4-617.

27 (c) The director or the assistants appointed by him shall proceed  
28 unless a suspension of execution is ordered, at the time named in the  
29 sentence, to cause the death of the felon under sentence of death in the  
30 manner prescribed at § 5-4-617.

31 (d)(1) No execution of any person convicted in this state of a capital  
32 offense shall be public; but it shall be private.

33 (2) At the execution there shall be present the director or an  
34 assistant, ~~the surgeon of the penitentiary or his assistant~~ the Department of  
35 Correction official in charge of medical services or his designee, and a  
36 number of respectable citizens numbering not fewer than six (6) nor more than

1 twelve (12) whose presence is necessary to verify that the execution was  
2 conducted in the manner required by law. ~~The counsel for the convict and a~~  
3 ~~minister of the gospel may be present~~ Counsel for the person being executed  
4 and the spiritual adviser to the person being executed may be present. Other  
5 persons designated by the director may be present, but the maximum number of  
6 persons at the execution shall not exceed thirty (30).

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

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

16 (i) The spouse of the victim at the time of the  
17 victim's death;

18 (ii) The parents or stepparents of the deceased  
19 victim;

20 (iii) The adult brothers, sisters, children, or  
21 stepchildren of the deceased victim; or

22 (iv) Any other adult relative with a close  
23 relationship to the deceased victim.

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

29  
30 SECTION 2. All provisions of this act of a general and permanent nature  
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
32 Revision Commission shall incorporate the same in the Code.

33  
34 SECTION 3. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect  
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

3

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

6

/s/ Vess

7

APPROVED: 2/16/1999

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36