

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

As Engrossed: H3/9/09 S3/30/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

HOUSE BILL 1706

4
5 By: Representative Pierce
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8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY THE EXISTING PROCEDURES FOR
10 CAPITAL PUNISHMENT BY LETHAL INJECTION; AND FOR
11 OTHER PURPOSES.
12

13 **Subtitle**

14 TO CLARIFY THE EXISTING PROCEDURES FOR
15 CAPITAL PUNISHMENT BY LETHAL INJECTION.
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17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. This act shall be known and may be cited as the "Methods of
21 Execution Act."
22

23 SECTION 2. Arkansas Code § 5-4-617 is amended to read as follows:
24 5-4-617. Method of execution.

25 (a)(1) The sentence of death is to be carried out by intravenous
26 lethal injection of one (1) or more chemicals, as determined in kind and
27 amount in the discretion of the Director of the Department of Correction.

28 (2) The chemical or chemicals injected may include one (1) or
29 more of the following substances:

30 (A) One (1) or more ultra-short-acting barbiturates;

31 (B) One (1) or more chemical paralytic agents;

32 (C) Potassium chloride; or

33 (D) Any other chemical or chemicals, including but not
34 limited to saline solution.

35 (3) The condemned convict's death will be pronounced according



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.~~

