

1 State of Arkansas *As Engrossed: H1/28/15 S2/5/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

HOUSE BILL 1012

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5 By: Representative Petty

6 By: Senator Hester

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## For An Act To Be Entitled

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AN ACT CONCERNING VICTIMS' RIGHTS IN CAPITAL

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PUNISHMENT CASES; TO BE KNOWN AS "ANDI'S LAW"; AND

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FOR OTHER PURPOSES

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## Subtitle

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CONCERNING VICTIMS' RIGHTS IN CAPITAL

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PUNISHMENT CASES; AND TO BE KNOWN AS

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"ANDI'S LAW".

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

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

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16-90-502. Conduct of execution.

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(a) As used in this section:

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(1) "Adult" means a person who is eighteen (18) years of age or

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older;

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(2) "Close relative of the victim" means any of the following

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persons in relation to the victim for whose death a person is sentenced to

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death:

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(A) The spouse of the victim at the time of the victim's

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death;

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(B) A parent or stepparent of the victim;

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(C) An adult sibling, adult child, or adult stepchild of

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the victim; or

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(D) Any other adult relative with a close relationship to

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the victim; and



1           (3) "Surviving innocent victim" means any adult person  
 2 innocently present during the commission of the capital offense committed by  
 3 the person sentenced to death who sustains an injury, either physical or  
 4 emotional, and that results in a separate conviction for a lesser offense  
 5 that arises out of the same course of conduct.

6           ~~(a)(b)~~ Each An execution for a sentence of death shall be conducted by  
 7 the Director of the Department of Correction or some assistant or assistants  
 8 designated by him or her.

9           ~~(b)(c)~~ The ~~punishment~~ sentence of death ~~must~~ shall be carried out in  
 10 the manner prescribed ~~at~~ under § 5-4-617 in every case.

11           ~~(e)(d)~~ The Unless a suspension of execution is ordered, the director  
 12 or the assistants appointed by him or her shall proceed ~~unless a suspension~~  
 13 ~~of execution is ordered,~~ at the time named in the sentence, to cause the  
 14 death of the ~~felon under sentence of~~ person sentenced to death in the manner  
 15 prescribed ~~at~~ under § 5-4-617.

16           ~~(d)(1)(e)(1)~~ No execution of any An execution of a person convicted in  
 17 this state of a capital offense and sentenced to death shall be public, but  
 18 shall be private. However, the following persons shall be present:

19           ~~(2)~~ At the execution there shall be present the director  
 20 or an assistant, the Department of Correction official in charge of medical  
 21 services or his or her designee, and a number of respectable citizens  
 22 numbering not fewer than six (6) nor more than twelve (12) whose presence is  
 23 necessary to verify that the execution was conducted in the manner required  
 24 by law. Counsel for the person being executed and the spiritual adviser to  
 25 the person being executed may be present. Other persons designated by the  
 26 director may be present, but the maximum number of persons at the execution  
 27 shall not exceed thirty (30).

28           (A) The director or an assistant designated by the  
 29 director;

30           (B) The Department of Correction official in charge of  
 31 medical services or his or her designee;

32           (C) No more than six (6) of the following persons related  
 33 to a victim of the crime for which the person is being executed if he or she  
 34 chooses to be present:

35           (i) A spouse;

36           (ii) Any parent or stepparent;

1 (iii) Any adult sibling or stepsibling; and

2 (iv) Any adult child or stepchild;

3 (D) A number of citizens determined by the director, not  
 4 fewer than six (6) nor more than twelve (12), whose presence is necessary to  
 5 verify that the execution was conducted in the manner required by law;

6 (E) Counsel for the person being executed if he or she  
 7 chooses to be present; and

8 (F) The spiritual adviser to the person being executed if  
 9 he or she chooses to be present.

10 (2) The director may prohibit a person who otherwise would be  
 11 eligible to witness or view an execution under this subsection if he or she  
 12 determines the person to be a security risk.

13 (3) Other persons designated by the director may be present at  
 14 the execution.

15 (4) The maximum number of close relatives of the victim either  
 16 witnessing the execution as a person designated under subdivision (e)(1)(C)  
 17 or as a person viewing the execution through a closed-circuit audiovisual  
 18 monitor under subdivision (e)(1)(5) shall not exceed eighteen (18).

19 ~~(3)(A)(5)(A)~~ During the execution there shall be a A closed-  
 20 circuit audiovisual monitor dedicated to viewing a live broadcast of the  
 21 execution shall be placed in a location chosen by the director, ~~and~~ for the  
 22 benefit of any close ~~relatives~~ relative of the ~~deceased~~ victim or any  
 23 surviving innocent ~~victims~~ victim who ~~desire~~ desires to view the execution  
 24 and who is not witnessing the execution as allowed under subdivision  
 25 (e)(1)(C) of this section may be present.

26 ~~(B)~~ In no case shall the The number of viewers shall not  
 27 exceed ~~five (5)~~ eighteen (18) per execution.

28 ~~(C)~~ No An audio or video recording shall not be made of  
 29 the execution.

30 ~~(B)~~ “Close relatives of the victim” means the following  
 31 persons in relation to the victim for whose death an inmate is sentenced to  
 32 death:

33 ~~(i)~~ The spouse of the victim at the time of the  
 34 victim’s death;

35 ~~(ii)~~ The parents or stepparents of the victim;

36 ~~(iii)~~ The adult brothers, sisters, children, or

1 ~~stepchildren of the victim; or~~

2 ~~(iv) Any other adult relative with a close~~  
3 ~~relationship to the victim.~~

4 ~~(C) "Surviving innocent victims" means any person~~  
5 ~~innocently present during the commission of the capital offense who sustains~~  
6 ~~an injury, either physical or emotional, and such injury results in a~~  
7 ~~separate conviction for a lesser offense which arises out of the same course~~  
8 ~~of conduct.~~

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10 */s/Petty*

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