

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: H1/19/17*  
**A Bill**

HOUSE BILL 1158

5 By: Representative Petty  
6 By: Senator Hester  
7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING THE ENTRY UNDER CAUSE OF DEATH ON A  
10 PERSON'S DEATH CERTIFICATE WHEN THE PERSON WAS  
11 EXECUTED DUE TO A SENTENCE FOR A CAPITAL OFFENSE; AND  
12 FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 CONCERNING THE ENTRY UNDER CAUSE OF DEATH  
16 ON A PERSON'S DEATH CERTIFICATE WHEN THE  
17 PERSON WAS EXECUTED DUE TO A SENTENCE FOR  
18 A CAPITAL OFFENSE.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 12-12-317 is amended to read as follows:  
25 12-12-317. Death certificates.

26 (a) The Except as provided under subsection (b) of this section, the  
27 certificate of death of ~~any a~~ a person whose death is investigated under ~~the~~  
28 ~~provisions of~~ this subchapter shall be made by the State Medical Examiner or  
29 by his or her designee or by the county coroner, whoever ~~shall have~~ conducted  
30 the investigation.

31 (b) ~~However, where a postmortem examination has been performed, the~~  
32 ~~certificate of death shall be made and signed by the examiner or his or her~~  
33 ~~associates or assistants, whoever shall have performed the postmortem~~  
34 ~~examination~~ The examiner or his or her designee shall make and sign a  
35 certificate of death if:

36 (1)(A) The examiner or his or her designee performs a postmortem



1 examination.

2 (B) The person who performs the postmortem examination  
3 shall make and sign the certificate of death; or

4 (2)(A) The certificate of death is for a person executed for a  
5 capital offense.

6 (B) The examiner or his or her designee shall list on the  
7 certificate of death of a person executed for a capital offense the:

8 (i) Manner of death as "Pursuant to a judicial  
9 sentence of death – Execution"; and

10 (ii) Cause of death as "electrocution" or "lethal  
11 injection", as applicable.

12 (c) When a petition is filed with a court of competent jurisdiction to  
13 change the cause or manner of death listed on a ~~death~~ certificate of death  
14 which has been signed by the examiner or by his or her designee, the State  
15 Crime Laboratory shall be notified of such petition, and the examiner or his  
16 or her designee shall be allowed to hear testimony presented by the  
17 petitioner and shall be given an opportunity to present evidence to the court  
18 to support the original ruling of the examiner or his or her ~~assistant~~  
19 designee who signed the certificate of death.

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21 /s/Petty

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24 **APPROVED: 03/08/2017**