

1 INTERIM STUDY PROPOSAL 2015-178

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3 REQUESTING THAT THE HOUSE COMMITTEE ON JUDICIARY STUDY THE USE OF
4 HYPOXIA AS A METHOD OF EXECUTION FOR CAPITAL PUNISHMENT.

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6 WHEREAS, due to the increasing unavailability of the chemical compounds
7 needed to administer a lethal dose through an injection required under state
8 law to carry out an execution that comports with the prohibition against
9 cruel and unusual punishment as set out in the United States Constitution,
10 Amendment 8, the General Assembly should explore all other viable
11 alternatives to lethal injection; and

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13 WHEREAS, Dr. Andrew Fulkerson and Mr. Carl Kinnison recently explored
14 the viability of using hypoxia as a method of execution in a 2016 article in
15 the Criminal Law Bulletin entitled "Lethal Injection: Where Do We Go After
16 *Glossip v. Gross* (2015)?"; and

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18 WHEREAS, hypoxia, which occurs when a person is deprived of oxygen, has
19 been observed in industrial settings, at high altitudes, and among diving-
20 related deaths. There is anecdotal evidence that death by hypoxia, when
21 carried out in a deliberate and controlled manner, may lead to a painless and
22 humane death; and

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24 WHEREAS, due to legal challenges, the lack of necessary chemicals
25 needed for lethal injection, and other administrative impediments to lethal
26 injection as the current method of execution under Arkansas law, the House
27 Committee on Judiciary should seek out and study any alternative method that
28 not only passes legal muster but also can be performed in a humane manner,

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30 BE IT PROPOSED BY THE HOUSE COMMITTEE ON JUDICIARY OF THE NINETIETH GENERAL
31 ASSEMBLY OF THE STATE OF ARKANSAS:

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33 THAT the House Committee on Judiciary study the use of hypoxia as the
34 preferred method of execution for all cases where capital punishment is the
35 prescribed sentence.

1 Respectfully submitted,

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5 Representative Mary Broadaway

6 District 57

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