

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Bookout

A Bill

SENATE BILL 161

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 5-4-617 TO PROVIDE THAT
DEATH SENTENCES SHALL BE CARRIED OUT BY ELECTROCUTION; AND
FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE THAT DEATH SENTENCES SHALL
BE CARRIED OUT BY ELECTROCUTION."

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

SECTION 1. Arkansas Code 5-4-615 is amended to read as follows:

"5-4-615. Conviction - Punishments.

A person convicted of a capital offense shall be punished by death by the method prescribed in Arkansas Code 5-4-617 or by life imprisonment without parole pursuant to this subchapter.

SECTION 2. Arkansas Code 5-4-617 is amended to read as follows:

"§5-4-617. Method of execution.

(a)(1) For capital offenses committed prior to the effective date of this 1995 act, the punishment of death is to be administered by a continuous intravenous injection of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent until the defendant's death is pronounced according to accepted standards of medical practice.

(2) The Director of the Department of Correction shall determine the substances to be uniformly administered and the procedures to be used in any execution.

(3) If the execution of the sentence of death as provided in

1 subsection (a) of this section is held unconstitutional by an appellate court
2 of competent jurisdiction, then the sentence of death shall be carried out by
3 electrocution in a manner determined by the Director of the Department of
4 Correction.

5 (4) Nothing in this section is to be construed as a declaration by the
6 General Assembly that death by electrocution constitutes cruel and unusual
7 punishment in violation of the Constitutions of the United States or the
8 State of Arkansas.

9 (b)(1) For capital offenses committed on and after the effective date
10 of this 1995 act, the punishment of death is to be administered by causing to
11 pass through the body of the defendant a current of electricity of sufficient
12 intensity until the defendant's death is pronounced according to accepted
13 standards of medical practice.

14 (2) The Director of the Department of Correction shall determine the
15 procedures to be used in any execution.

16 (3) If the execution of the sentence of death as provided in
17 subsection (a) of this section is held unconstitutional by an appellate court
18 of competent jurisdiction, then the sentence of death shall be carried out by
19 lethal injection in a manner determined by the Director of the Department of
20 Correction.

21 (4) Nothing in this section is to be construed as a declaration by the
22 General Assembly that death by lethal injection constitutes cruel and unusual
23 punishment in violation of the Constitution of the United States or the State
24 of Arkansas."

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26 SECTION 2. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.

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30 SECTION 3. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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

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