

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1859

4
5 By: Representative Wilson

For An Act To Be Entitled

9 "AN ACT TO BE ENTITLED THE PUBLIC EXECUTION ACT OF 1997;
10 AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO BE ENTITLED THE PUBLIC
14 EXECUTION ACT OF 1997."

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

18 SECTION 1. This act shall be known and may be cited as the "Public
19 Execution Act of 1997".

21 SECTION 2. It is hereby found and determined by the Eighty-first
22 General Assembly of the State of Arkansas that executions pursuant to death
23 penalty sentences are deterrents to capital crimes and not merely the revenge
24 of society. It is furthermore determined that in order to maximize the
25 deterrent effect of executions it is advisable and necessary that executions
26 should be public. Therefore, hereafter all executions conducted by the
27 Department of Correction shall be public and the department shall provide
28 adequate access in the execution viewing area to not only the general public,
29 but especially to the television, radio and print media.

31 SECTION 3. Arkansas Code 16-90-502 is amended to read as follows:

32 "§ 16-90-502. Conduct of execution.

33 (a) Each execution shall be conducted by the superintendent or some
34 assistant or assistants designated by him.

35 (b) The punishment of death must, in every case, be inflicted by
36 causing to pass through the body of a convict a current of electricity of

1 sufficient intensity to cause death. The application of the current must be
 2 continued until the convict is dead.

3 (c) The superintendent or the assistants appointed by him shall proceed
 4 unless a suspension of execution is ordered, at the time named in the
 5 sentence, to cause the felon under sentence of death to be electrocuted until
 6 he is dead.

7 ~~(d)(1) No execution of any person convicted in this state of a capital~~
 8 ~~offense shall be public; but it shall be private. Any officer convicted of~~
 9 ~~violating this subdivision shall be fined in any sum not less than one hundred~~
 10 ~~dollars (\$100).~~

11 ~~(2)~~ At the execution there shall be present the superintendent or
 12 an assistant, the surgeon of the penitentiary or his assistant, ~~and a number~~
 13 ~~of respectable citizens numbering not fewer than six (6) nor more than twelve~~
 14 ~~(12) and as many members of the public as can be accommodated at the facility.~~
 15 The department shall make every effort to provide as much space and access as
 16 possible in the execution viewing area for the television, radio, and print
 17 media. The counsel for the convict and a minister of the Gospel may be
 18 present."

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20 SECTION 4. All provisions of this act of a general and permanent nature
 21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 22 Revision Commission shall incorporate the same in the Code.

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24 SECTION 5. If any provision of this act or the application thereof to
 25 any person or circumstance is held invalid, such invalidity shall not affect
 26 other provisions or applications of the act which can be given effect without
 27 the invalid provision or application, and to this end the provisions of this
 28 act are declared to be severable.

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30 SECTION 6. All laws and parts of laws in conflict with this act are
 31 hereby repealed.

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