

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S1/31/13

A Bill

SENATE BILL 52

5 By: Senator Hester
6

For An Act To Be Entitled

8 AN ACT REGARDING VICTIMS' RIGHTS IN CAPITAL
9 PUNISHMENT CASES; AND FOR OTHER PURPOSES.
10

Subtitle

11 REGARDING VICTIMS' RIGHTS IN CAPITAL
12 PUNISHMENT CASES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-90-502 is amended to read as follows:
20 16-90-502. Conduct of execution.

21 (a) As used in this section:

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

24 (2) "Close relative of the victim" means any of the following
25 persons in relation to the victim for whose death a person is sentenced to
26 death:

27 (A) The spouse of the victim at the time of the victim's
28 death;

29 (B) A parent or stepparent of the victim;

30 (C) An adult sibling, adult child, or adult stepchild of
31 the victim; or

32 (D) Any other adult relative with a close relationship to
33 the victim; and

34 (3) "Surviving innocent victim" means any adult person
35 innocently present during the commission of the capital offense committed by
36 the person sentenced to death who sustains an injury, either physical or



1 emotional, and that results in a separate conviction for a lesser offense
 2 that arises out of the same course of conduct.

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

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

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

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

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

25 (A) The director or an assistant designated by the
 26 director;

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

29 (C) Any of the following persons related to a victim of
 30 the crime for which the person is being executed if he or she chooses to be
 31 present:

32 (i) A spouse;

33 (ii) Any parent or stepparent;

34 (iii) Any adult sibling or stepsibling; and

35 (iv) Any adult child or stepchild;

36 (D) A number of citizens determined by the director, not

1 fewer than six (6) nor more than twelve (12), whose presence is necessary to
2 verify that the execution was conducted in the manner required by law;

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

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

7 (2) Other persons designated by the director may be present at
8 the execution.

9 (3) The maximum number of persons at the execution shall not
10 exceed thirty (30) unless it is necessary to exceed thirty (30) persons in
11 order to accommodate the family members of the victim described in
12 subdivision (e)(1)(C) of this section.

13 ~~(3)(A)(4)(A)~~ During the execution there shall be a A closed-
14 circuit audiovisual monitor dedicated to viewing a live broadcast of the
15 execution shall be placed in a location chosen by the director, ~~and~~ for the
16 benefit of any close ~~relatives~~ relative of the ~~deceased~~ victim or any
17 surviving innocent ~~victims~~ victim who ~~desire~~ desires to view the execution
18 and who is not witnessing the execution as allowed in subdivision (e)(1)(C)
19 of this section may be present.

20 ~~(B)~~ In ~~no case shall the~~ The number of viewers shall not
21 exceed five (5) per execution unless it is necessary to exceed five (5)
22 viewers in order to accommodate the surviving innocent victims and close
23 relatives of the victim described in subdivision (e)(4)(A) of this section.

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

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

29 ~~(i)~~ The spouse of the victim at the time of the
30 victim’s death;

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

32 ~~(iii)~~ The adult brothers, sisters, children, or
33 stepchildren of the victim; or

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

36 ~~(C)~~ “Surviving innocent victims” means any person

1 ~~innocently present during the commission of the capital offence who sustains~~
2 ~~an injury, either physical or emotional, and such injury results in a~~
3 ~~separate conviction for a lesser offense which arises out of the same course~~
4 ~~of conduct.~~

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