

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1012

By: Representative Petty
By: Senator Hester

For An Act To Be Entitled

AN ACT CONCERNING VICTIMS' RIGHTS IN CAPITAL
PUNISHMENT CASES; TO BE KNOWN AS "ANDI'S LAW"; AND
FOR OTHER PURPOSES

Subtitle

CONCERNING VICTIMS' RIGHTS IN CAPITAL
PUNISHMENT CASES; AND TO BE KNOWN AS
"ANDI'S LAW".

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

SECTION 1. Arkansas Code § 16-90-502 is amended to read as follows:
16-90-502. Conduct of execution.

(a) As used in this section:

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

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

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

(B) A parent or stepparent of the victim;

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

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



(3) "Surviving innocent victim" means any adult person innocently present during the commission of the capital offense committed by the person sentenced to death who sustains an injury, either physical or emotional, and that results in a separate conviction for a lesser offense that arises out of the same course of conduct.

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

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

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

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

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

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

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

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

(i) A spouse;

(ii) Any parent or stepparent;

1 (iii) Any adult sibling or stepsibling; and

2 (iv) Any adult child or stepchild;

3 (D) A number of citizens determined by the director, not
 4 fewer than six (6) nor more than twelve (12), whose presence is necessary to
 5 verify that the execution was conducted in the manner required by law;

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

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

10 (2) Other persons designated by the director may be present at
 11 the execution.

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

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

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

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

29 ~~(B)~~ “Close relatives of the victim” means the following
 30 persons in relation to the victim for whose death an inmate is sentenced to
 31 death;

32 ~~(i)~~ The spouse of the victim at the time of the
 33 victim's death;

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

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

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

3 ~~(C) "Surviving innocent victims" means any person~~
4 ~~innocently present during the commission of the capital offense who sustains~~
5 ~~an injury, either physical or emotional, and such injury results in a~~
6 ~~separate conviction for a lesser offense which arises out of the same course~~
7 ~~of conduct.~~