

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 186

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO METHODS OF EXECUTION; AMENDING SECTION 19-2716, IDAHO CODE, TO PROVIDE FOR EXECUTION BY FIRING SQUAD, TO PROVIDE FOR CERTAIN REQUIREMENTS PRIOR TO AN EXECUTION, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2716, Idaho Code, be, and the same is hereby amended to read as follows:

19-2716. ~~INFLICTION OF DEATH PENALTY METHODS OF EXECUTION.~~ (1) The punishment of death shall be inflicted by ~~continuous~~ the following methods:

(a) Continuous, intravenous administration of a lethal quantity of a substance or substances approved by the director of the Idaho department of correction until death is pronounced by a coroner or a deputy coroner; ~~or~~

(b) Firing squad.

(2) Not later than five (5) days after the issuance of a death warrant, the director of the Idaho department of correction must determine, and certify by affidavit to the court that issued the death warrant, whether execution by lethal injection, as described in subsection (1) (a) of this section, is available.

(3) If the director certifies that lethal injection is available, the method of execution shall be lethal injection.

(4) If the director does not certify that lethal injection is available, fails to file a certification as required pursuant to subsection (2) of this section, or otherwise determines that lethal injection is unavailable, the method of execution shall be firing squad.

(5) If a court holds that lethal injection is unconstitutional, on its face or as applied, or otherwise determines that firing squad is a constitutionally required method of execution, the method of execution shall be firing squad.

(6) ~~The director of the Idaho department of correction shall determine the procedures to be used in any execution.~~

(7) ~~This act~~ The provisions of this section shall apply to all executions carried out on and after the effective date of this enactment, irrespective of the date sentence was imposed.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.