

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 589

Representatives Abdullahi, Miller, A.

**Cosponsors: Representatives Blackshear, Brennan, Brewer, Thomas, C., Denson,
McNally, Rogers, Schmidt, Sweeney, Upchurch, Weinstein**

A BILL

To amend section 2949.22 of the Revised Code to 1
prohibit the state from executing a death 2
sentence by administration of nitrogen gas. 3

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

Section 1. That section 2949.22 of the Revised Code be 4
amended to read as follows: 5

Sec. 2949.22. (A) Except as provided in division (C) of 6
this section, a death sentence shall be executed by causing the 7
application to the person, upon whom the sentence was imposed, 8
of a lethal injection of a drug or combination of drugs of 9
sufficient dosage to quickly and painlessly cause death. The 10
application of the drug or combination of drugs shall be 11
continued until the person is dead. The warden of the 12
correctional institution in which the sentence is to be executed 13
or another person selected by the director of rehabilitation and 14
correction shall ensure that the death sentence is executed. 15

(B) A death sentence shall be executed within the walls of 16
the state correctional institution designated by the director of 17

rehabilitation and correction as the location for executions, 18
within an enclosure to be prepared for that purpose, under the 19
direction of the warden of the institution or, in the warden's 20
absence, a deputy warden, and on the day designated by the judge 21
passing sentence or otherwise designated by a court in the 22
course of any appellate or postconviction proceedings. The 23
enclosure shall exclude public view. 24

(C) If a person is sentenced to death, and if the 25
execution of a death sentence by lethal injection has been 26
determined to be unconstitutional, the death sentence shall be 27
executed by using any different manner of execution prescribed 28
by law subsequent to ~~the effective date of this~~ 29
~~amendment~~ November 21, 2001, instead of by causing the 30
application to the person of a lethal injection of a drug or 31
combination of drugs of sufficient dosage to quickly and 32
painlessly cause death, provided that the subsequently 33
prescribed different manner of execution has not been determined 34
to be unconstitutional and the subsequently prescribed different 35
manner of execution does not involve administration of nitrogen 36
gas. The use of the subsequently prescribed different manner of 37
execution shall be continued until the person is dead. The 38
warden of the state correctional institution in which the 39
sentence is to be executed or another person selected by the 40
director of rehabilitation and correction shall ensure that the 41
sentence of death is executed. 42

(D) No change in the law made by the amendment to this 43
section that took effect on October 1, 1993, or by this 44
amendment constitutes a declaration by or belief of the general 45
assembly that execution of a death sentence by electrocution is 46
a cruel and unusual punishment proscribed by the Ohio 47
Constitution or the United States Constitution. 48

Section 2. That existing section 2949.22 of the Revised Code is hereby repealed. 49
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