

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2958

By: Young

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5
6 AS INTRODUCED

7 An Act relating to the death penalty; amending 22
8 O.S. 2011, Section 1015, which relates to execution
9 procedures; authorizing certain persons to witness
10 executions; deleting confidentiality requirement for
11 certain persons; deleting exemption from Oklahoma
12 Central Purchasing Act; allowing defense counsel to
13 communicate with certain persons during execution;
14 and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1015, is
16 amended to read as follows:

17 Section 1015. A. A judgment of death must be executed at the
18 Oklahoma State Penitentiary at McAlester, Oklahoma, said prison to
19 be designated by the court by which judgment is to be rendered.

20 B. 1. The judgment of execution shall take place under the
21 authority of the Director of the Department of Corrections and the
22 warden must be present along with other necessary prison and
23 corrections officials to carry out the execution. The warden must
24 invite the presence of a physician and the district attorney of the

1 county in which the crime occurred or a designee, the judge who
2 presided at the trial issuing the sentence of death, the chief of
3 police of the municipality in which the crime occurred, if
4 applicable, and lead law enforcement officials of any state, county
5 or local law enforcement agency who investigated the crime or
6 testified in any court or clemency proceeding related to the crime,
7 including but not limited to the sheriff of the county wherein the
8 conviction was had, to witness the execution; in addition, the
9 Cabinet Secretary of Safety and Security must be invited as well as
10 any other personnel or correctional personnel deemed appropriate and
11 approved by the Director.

12 2. The warden shall, at the request of the defendant, permit
13 the presence of ~~such ministers chosen by the defendant~~ individuals
14 who are not directly related to the defendant but serve in a close
15 supporting or professional role to the defendant including, but not
16 limited to, a minister, spiritual advisor or licensed counselor, not
17 exceeding two, and any persons, relatives or friends, not to exceed
18 five, as the defendant may name; provided, reporters from recognized
19 members of the news media will be admitted upon proper
20 identification, application and approval of the warden.

21 3. The identity of all persons who participate in or administer
22 the execution process ~~and persons who supply the drugs, medical~~
23 ~~supplies or medical equipment for the execution~~ shall be
24 confidential and shall not be subject to discovery in any civil or

1 criminal proceedings. ~~The purchase of drugs, medical supplies or~~
2 ~~medical equipment necessary to carry out the execution shall not be~~
3 ~~subject to the provisions of The Oklahoma Central Purchasing Act.~~

4 C. 1. In the event the defendant has been sentenced to death
5 in one or more criminal proceedings in this state, or has been
6 sentenced to death in this state and by one or more courts of
7 competent jurisdiction in another state or pursuant to federal
8 authority, or any combination thereof, and this state has priority
9 to execute the defendant, the warden must invite the prosecuting
10 attorney or his or her designee, the judge, and the chief law
11 enforcement official from each jurisdiction where any death sentence
12 has issued. The above-mentioned officials shall be allowed to
13 witness the execution or view the execution by closed circuit
14 television as determined by the Director of the Department of
15 Corrections.

16 2. In addition to the officials provided in paragraph 1 of this
17 subsection, two (2) members of the current legal defense team of the
18 defendant shall be allowed to witness the execution of the defendant
19 in person and shall be provided access to all areas and procedures
20 leading up to the execution. Legal counsel for the defendant shall
21 also be provided with a means to communicate with other members of
22 the legal defense team outside the facility where the execution is
23 taking place in order to allow access to the courts if such a need
24 arises during the execution.

1 D. 1. A place shall be provided at the Oklahoma State
2 Penitentiary at McAlester so that individuals who are eighteen (18)
3 years of age or older and who are members of the immediate family of
4 any deceased victim of the defendant may witness the execution. The
5 immediate family members shall be allowed to witness the execution
6 from an area that is separate from the area to which other nonfamily
7 member witnesses are admitted; provided, however, if there are
8 multiple deceased victims, the Department shall not be required to
9 provide separate areas for each family of each deceased victim. If
10 facilities are not capable or sufficient to provide all immediate
11 family members with a direct view of the execution, the Department
12 of Corrections may broadcast the execution by means of a closed
13 circuit television system to an area in which other immediate family
14 members may be located.

15 2. Immediate family members may request individuals not
16 directly related to the deceased victim but who serve a close
17 supporting role or professional role to the deceased victim or an
18 immediate family member, including, but not limited to, a minister
19 or licensed counselor. The warden in consultation with the Director
20 shall approve or disapprove such requests. Provided further, the
21 Department may set a limit on the number of witnesses or viewers
22 within occupancy limits.

23 As used in this section, "members of the immediate family" means
24 the spouse, a child by birth or adoption, a stepchild, a parent, a

1 grandparent, a grandchild, a sibling of a deceased victim, or the
2 spouse of any immediate family member specified in this subsection.

3 E. Any surviving victim of the defendant who is eighteen (18)
4 years of age or older may view the execution by closed circuit
5 television with the approval of both the Director of the Department
6 of Corrections and the warden. The Director and warden shall
7 prioritize persons to view the execution, including immediate family
8 members, surviving victims, and supporting persons, and may set a
9 limit on the number of viewers within occupancy limits. Any
10 surviving victim approved to view the execution of the defendant may
11 have an accompanying support person as provided for members of the
12 immediate family of a deceased victim. As used in this subsection,
13 "surviving victim" means any person who suffered serious harm or
14 injury due to the criminal acts of the defendant of which the
15 defendant has been convicted in a court of competent jurisdiction.

16 SECTION 2. This act shall become effective November 1, 2016.

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18 55-2-8298 GRS 01/08/16
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