

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H1/19/17  
**A Bill**

HOUSE BILL 1158

By: Representative Petty

By: Senator Hester

### For An Act To Be Entitled

AN ACT CONCERNING THE ENTRY UNDER CAUSE OF DEATH ON A PERSON'S DEATH CERTIFICATE WHEN THE PERSON WAS EXECUTED DUE TO A SENTENCE FOR A CAPITAL OFFENSE; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE ENTRY UNDER CAUSE OF DEATH ON A PERSON'S DEATH CERTIFICATE WHEN THE PERSON WAS EXECUTED DUE TO A SENTENCE FOR A CAPITAL OFFENSE.

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

SECTION 1. Arkansas Code § 12-12-317 is amended to read as follows:  
12-12-317. Death certificates.

(a) The Except as provided under subsection (b) of this section, the certificate of death of ~~any a~~ a person whose death is investigated under ~~the provisions of~~ this subchapter shall be made by the State Medical Examiner or by his or her designee or by the county coroner, whoever ~~shall have~~ conducted the investigation.

(b) ~~However, where a postmortem examination has been performed, the certificate of death shall be made and signed by the examiner or his or her associates or assistants, whoever shall have performed the postmortem examination~~ The examiner or his or her designee shall make and sign a certificate of death if:

(1)(A) The examiner or his or her designee performs a postmortem



examination.

(B) The person who performs the postmortem examination shall make and sign the certificate of death; or

(2)(A) The certificate of death is for a person executed for a capital offense.

(B) The examiner or his or her designee shall list on the certificate of death of a person executed for a capital offense the:

(i) Manner of death as "Pursuant to a judicial sentence of death – Execution"; and

(ii) Cause of death as "electrocution" or "lethal injection", as applicable.

(c) When a petition is filed with a court of competent jurisdiction to change the cause or manner of death listed on a ~~death~~ certificate of death which has been signed by the examiner or by his or her designee, the State Crime Laboratory shall be notified of such petition, and the examiner or his or her designee shall be allowed to hear testimony presented by the petitioner and shall be given an opportunity to present evidence to the court to support the original ruling of the examiner or his or her ~~assistant~~ designee who signed the certificate of death.

/s/Petty

**APPROVED: 03/08/2017**