

SENATE AMENDMENT 1 TO SB147.

adding Representative Young as a co-sponsor of the bill

AND

by deleting SECTION 1 in its entirety and substituting therefor the following:

"SECTION 1. Arkansas Code Annotated § 16-90-502 is amended to read as follows:

"16-90-502. Conduct of execution.

(a) Each execution shall be conducted by the ~~superintendent~~ Director of the Department of Correction or some assistant or assistants designated by him.

(b) The punishment of death must, in every case, be ~~inflicted by causing to pass through the body of a convict a current of electricity of sufficient intensity to cause death. The application of the current must be continued until the convict is dead.~~ carried out in the manner prescribed at § 5-4-617.

(c) The ~~superintendent~~ Director or the assistants appointed by him 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 death ~~to be electrocuted until he is dead in the manner prescribed at §-5-4-617.~~

(d) (1) No execution of any person convicted in this state of a capital offense shall be public; but it shall be private. ~~Any officer convicted of violating this subdivision shall be fined in any sum not less than one hundred dollars (\$100).~~

(2) At the execution there shall be present the ~~superintendent~~ Director or an assistant, the surgeon of the penitentiary or his assistant, 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. The counsel for the convict and a minister of the Gospel may be present.

(3) During the execution there shall be a closed circuit audio-visual monitor placed in a location chosen by the Director, and any close relatives of the deceased victim or surviving innocent victims who desire to view the execution may be present. In no case shall the number of viewers exceed five (5) per execution. No audio or video recording shall be made of the execution.

(A) Close relatives of the victim shall mean the following persons in relation to the victim for whose death an inmate is sentenced to death:

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

(ii) the parents or step-parents of the deceased victim;

(iii) the adult brothers, sisters, children, or step-children of the deceased victim; or

(iv) any other adult relative with a close relationship to the deceased victim.

(B) Surviving innocent victims shall mean any person innocently present during the commission of the capital offense who sustained an injury, either

physical or emotional, and such injury results in a separate conviction for a lesser offense which arises out of the same course of conduct."