

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S1/31/13
A Bill

SENATE BILL 52

By: Senator Hester

For An Act To Be Entitled

AN ACT REGARDING VICTIMS' RIGHTS IN CAPITAL
PUNISHMENT CASES; AND FOR OTHER PURPOSES.

Subtitle

REGARDING VICTIMS' RIGHTS IN CAPITAL
PUNISHMENT CASES.

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

SECTION 1. Arkansas Code § 16-90-502 is amended to read as follows:
16-90-502. Conduct of execution.

(a) As used in this section:

(1) "Adult" means a person who is eighteen (18) years of age or older;

(2) "Close relative of the victim" means any of the following persons in relation to the victim for whose death a person is sentenced to death:

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

(B) A parent or stepparent of the victim;

(C) An adult sibling, adult child, or adult stepchild of the victim; or

(D) Any other adult relative with a close relationship to the victim; and

(3) "Surviving innocent victim" means any adult person innocently present during the commission of the capital offense committed by the person sentenced to death who sustains an injury, either physical or



emotional, and that results in a separate conviction for a lesser offense that arises out of the same course of conduct.

~~(a)(b)~~ Each An execution for a sentence of death shall be conducted by the Director of the Department of Correction or some assistant or assistants designated by him or her.

~~(b)(c)~~ The punishment sentence of death must shall be carried out in the manner prescribed at § 5-4-617 in every case.

~~(e)(d)~~ The Unless a suspension of execution is ordered, the director or the assistants appointed by him or her 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~~ person sentenced to death in the manner prescribed at § 5-4-617.

~~(d)(1)(e)(1)~~ No execution of any An execution of a person convicted in this state of a capital offense and sentenced to death shall be public, but shall be private. However, the following persons shall be present:

~~(2) At the execution there shall be present the director or an assistant, the Department of Correction official in charge of medical services or his or her designee, 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. Counsel for the person being executed and the spiritual adviser to the person being executed may be present. Other persons designated by the director may be present, but the maximum number of persons at the execution shall not exceed thirty (30).~~

(A) The director or an assistant designated by the director;

(B) The Department of Correction official in charge of medical services or his or her designee;

(C) Any of the following persons related to a victim of the crime for which the person is being executed if he or she chooses to be present:

(i) A spouse;

(ii) Any parent or stepparent;

(iii) Any adult sibling or stepsibling; and

(iv) Any adult child or stepchild;

(D) A number of citizens determined by the director, 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;

(E) Counsel for the person being executed if he or she chooses to be present; and

(F) The spiritual adviser to the person being executed if he or she chooses to be present.

(2) Other persons designated by the director may be present at the execution.

(3) The maximum number of persons at the execution shall not exceed thirty (30) unless it is necessary to exceed thirty (30) persons in order to accommodate the family members of the victim described in subdivision (e)(1)(C) of this section.

~~(3)(A)(4)(A)~~ During the execution there shall be a A closed-circuit audiovisual monitor dedicated to viewing a live broadcast of the execution shall be placed in a location chosen by the director, ~~and~~ for the benefit of any close ~~relatives~~ relative of the ~~deceased~~ victim or any surviving innocent ~~victims~~ victim who ~~desire~~ desires to view the execution and who is not witnessing the execution as allowed in subdivision (e)(1)(C) of this section ~~may be present.~~

~~(B)~~ In no case shall the The number of viewers shall not exceed five (5) per execution unless it is necessary to exceed five (5) viewers in order to accommodate the surviving innocent victims and close relatives of the victim described in subdivision (e)(4)(A) of this section.

~~(C)~~ No An audio or video recording shall not be made of the execution.

~~(B)~~ “Close relatives of the victim” means 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 stepparents of the victim;

~~(iii)~~ The adult brothers, sisters, children, or stepchildren of the victim; or

~~(iv)~~ Any other adult relative with a close relationship to the victim.

~~(C)~~ “Surviving innocent victims” means any person

~~innocently present during the commission of the capital offense who sustains 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.~~

/s/Hester