

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H1/28/15 S2/5/15
A Bill

HOUSE BILL 1012

By: Representative Petty

By: Senator Hester

For An Act To Be Entitled

AN ACT CONCERNING VICTIMS' RIGHTS IN CAPITAL
PUNISHMENT CASES; TO BE KNOWN AS "ANDI'S LAW"; AND
FOR OTHER PURPOSES

Subtitle

CONCERNING VICTIMS' RIGHTS IN CAPITAL
PUNISHMENT CASES; AND TO BE KNOWN AS
"ANDI'S LAW".

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~~ under § 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~~ under § 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) No more than six (6) 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) The director may prohibit a person who otherwise would be eligible to witness or view an execution under this subsection if he or she determines the person to be a security risk.

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

(4) The maximum number of close relatives of the victim either witnessing the execution as a person designated under subdivision (e)(1)(C) or as a person viewing the execution through a closed-circuit audiovisual monitor under subdivision (e)(1)(5) shall not exceed eighteen (18).

~~(3)(A)(5)(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 under 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)~~ eighteen (18) per execution.

~~(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/Petty