

EHB 2383

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THE STATE SENATE
Monday, April 5, 2004

ENGROSSED

House Bill No. 2383

ENGROSSED HOUSE BILL NO. 2383 - By: HARRISON of the House and LERBLANCE of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 1015, which relates to death sentences; expanding who may witness executions; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1015, is amended to read as follows:

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

B. The judgment of execution shall take place under the authority of the Director of the Oklahoma Department of Corrections and the warden must be present along with other necessary prison and corrections officials to carry out the execution. The warden must invite the presence of a physician and the district attorney of the county in which the crime occurred, the judge who presided at the trial issuing the sentence of death, the chief of police of the municipality in which the crime occurred, if applicable, and the

1 sheriff of the county wherein the conviction was had, to witness the
2 execution; in addition, the ~~cabinet secretary of public safety~~
3 Cabinet Secretary of Safety and Security must be invited and other
4 correctional personnel deemed appropriate and approved by the
5 Director. ~~the~~ The warden shall, at the request of the defendant,
6 permit the presence of such ministers of the defendant's choice, not
7 exceeding two, and any persons, relatives or friends, not to exceed
8 five, as the defendant may name; provided, reporters from recognized
9 members of the news media will be admitted upon proper
10 identification, application and approval of the warden.

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

22 D. A place shall be provided ~~within the walls of~~ at the
23 Oklahoma State Penitentiary at McAlester so that individuals who are

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

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

21 As used in this section, "members of the immediate family" means
22 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 their perpetrator
11 may have an accompanying support person as provided for members of
12 the immediate family of a deceased victim. As used in this
13 subsection, "surviving victim" means any person who suffered serious
14 harm or injury due to the criminal acts of the defendant of which
15 the defendant has been convicted in a court of competent
16 jurisdiction.

17 SECTION 2. This act shall become effective November 1, 2004.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-30-04 - DO
19 PASS.