

1 ENGROSSED SENATE
2 BILL NO. 286

By: Gumm of the Senate

3 and

4 Roan of the House

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7 An Act relating to criminal procedure; amending 22
8 O.S. 2001, Section 1015, as last amended by Section
9 7, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2008,
10 Section 1015), which relates to persons who may
11 witness executions; allowing certain officials to
12 witness executions; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1015, as
14 last amended by Section 7, Chapter 358, O.S.L. 2007 (22 O.S. Supp.
15 2008, Section 1015), is amended to read as follows:

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

19 B. The judgment of execution shall take place under the
20 authority of the Director of the Oklahoma Department of Corrections
21 and the warden must be present along with other necessary prison and
22 corrections officials to carry out the execution. The warden must
23 invite the presence of a physician and the district attorney of the
24 county in which the crime occurred or his or her designee, the judge

1 who presided at the trial issuing the sentence of death, the chief
2 of police of the municipality in which the crime occurred, if
3 applicable, and lead law enforcement officials of any state, county
4 or local law enforcement agency who investigated the crime or
5 testified in any court or clemency proceeding related to the crime,
6 including but not limited to the sheriff of the county wherein the
7 conviction was had, to witness the execution; in addition, the
8 Cabinet Secretary of Safety and Security must be invited and other
9 correctional personnel deemed appropriate and approved by the
10 Director. The warden shall, at the request of the defendant, permit
11 the presence of such ministers of the defendant's choice, not
12 exceeding two, and any persons, relatives or friends, not to exceed
13 five, as the defendant may name; provided, reporters from recognized
14 members of the news media will be admitted upon proper
15 identification, application and approval of the warden.

16 C. In the event the defendant has been sentenced to death in
17 one or more criminal proceedings in this state, or has been
18 sentenced to death in this state and by one or more courts of
19 competent jurisdiction in another state or pursuant to federal
20 authority, or any combination thereof, and this state has priority
21 to execute the defendant, the warden must invite the prosecuting
22 attorney or his or her designee, the judge, and the chief law
23 enforcement official from each jurisdiction where any death sentence
24 has issued. The above mentioned officials shall be allowed to

1 witness the execution or view the execution by closed circuit
2 television as determined by the Director of the Department of
3 Corrections.

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

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

3 As used in this section, "members of the immediate family" means
4 the spouse, a child by birth or adoption, a stepchild, a parent, a
5 grandparent, a grandchild, a sibling of a deceased victim, or the
6 spouse of any immediate family member specified in this subsection.

7 E. Any surviving victim of the defendant who is eighteen (18)
8 years of age or older may view the execution by closed circuit
9 television with the approval of both the Director of the Department
10 of Corrections and the warden. The Director and warden shall
11 prioritize persons to view the execution, including immediate family
12 members, surviving victims, and supporting persons, and may set a
13 limit on the number of viewers within occupancy limits. Any
14 surviving victim approved to view the execution of their perpetrator
15 may have an accompanying support person as provided for members of
16 the immediate family of a deceased victim. As used in this
17 subsection, "surviving victim" means any person who suffered serious
18 harm or injury due to the criminal acts of the defendant of which
19 the defendant has been convicted in a court of competent
20 jurisdiction.

21 SECTION 2. This act shall become effective November 1, 2009.
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1 Passed the Senate the 25th day of February, 2009.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

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9 Presiding Officer of the House
10 of Representatives