

SB 286

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THE STATE SENATE
Monday, February 9, 2009

Senate Bill No. 286
As Amended

SENATE BILL NO. 286 - By: Gumm of the Senate and Roan of the House.

[criminal procedure - persons to witness executions -
effective date]

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

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

Section 1015. A. A judgment of death must be executed 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 or his or her designee, 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 any law enforcement official who investigated the
crime or testified in any court or clemency proceeding related to

1 the crime, including but not limited to the sheriff of the county
2 wherein the conviction was had, to witness the execution; in
3 addition, the Cabinet Secretary of Safety and Security must be
4 invited and other correctional personnel deemed appropriate and
5 approved by the Director. The warden shall, at the request of the
6 defendant, permit the presence of such ministers of the defendant's
7 choice, not exceeding two, and any persons, relatives or friends,
8 not to exceed five, as the defendant may name; provided, reporters
9 from recognized members of the news media will be admitted upon
10 proper 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 or his or her designee, the judge, and the chief law
18 enforcement official from each jurisdiction where any death sentence
19 has issued. The above mentioned officials shall be allowed to
20 witness the execution or view the execution by closed circuit
21 television as determined by the Director of the Department of
22 Corrections.

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

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

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

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

19 SECTION 2. This act shall become effective November 1, 2009.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-3-09 - DO PASS,
21 As Amended and Coauthored.