

1 ~~combination with a chemical paralytic agent~~ drug or drugs until
2 death is pronounced by a licensed physician according to accepted
3 standards of medical practice.

4 B. If the execution of the sentence of death as provided in
5 subsection A of this section is held unconstitutional by an
6 appellate court of competent jurisdiction, then the sentence of
7 death shall be carried out by electrocution.

8 C. If the execution of the sentence of death as provided in
9 subsections A and B of this section is held unconstitutional by an
10 appellate court of competent jurisdiction, then the sentence of
11 death shall be carried out by firing squad.

12 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1015, as
13 last amended by Section 3, Chapter 275, O.S.L. 2009 (22 O.S. Supp.
14 2010, Section 1015), is amended to read as follows:

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

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

1 judge who presided at the trial issuing the sentence of death, the
2 chief 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~~ as well
9 as any other personnel or correctional personnel deemed appropriate
10 and approved by the Director. The warden shall, at the request of
11 the defendant, permit the presence of such ministers ~~of the~~
12 ~~defendant's choice~~ chosen by the defendant, not exceeding two, and
13 any persons, relatives or friends, not to exceed five, as the
14 defendant may name; provided, reporters from recognized members of
15 the news media will be admitted upon proper identification,
16 application and approval of the warden. The identity of all persons
17 who participate in or administer the execution process and persons
18 who supply the drugs, medical supplies or medical equipment for the
19 execution shall be confidential and shall not be subject to
20 discovery in any civil or criminal proceedings. The purchase of
21 drugs, medical supplies or medical equipment necessary to carry out
22 the execution shall not be subject to the provisions of the Oklahoma
23 Central Purchasing Act.

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1 C. In the event the defendant has been sentenced to death in
2 one or more criminal proceedings in this state, or has been
3 sentenced to death in this state and by one or more courts of
4 competent jurisdiction in another state or pursuant to federal
5 authority, or any combination thereof, and this state has priority
6 to execute the defendant, the warden must invite the prosecuting
7 attorney or his or her designee, the judge, and the chief law
8 enforcement official from each jurisdiction where any death sentence
9 has issued. The above mentioned officials shall be allowed to
10 witness the execution or view the execution by closed circuit
11 television as determined by the Director of the Department of
12 Corrections.

13 D. A place shall be provided at the Oklahoma State Penitentiary
14 at McAlester so that individuals who are eighteen (18) years of age
15 or older and who are members of the immediate family of any deceased
16 victim of the defendant may witness the execution. The immediate
17 family members shall be allowed to witness the execution from an
18 area that is separate from the area to which other nonfamily member
19 witnesses are admitted⁷; provided, however, if there are multiple
20 deceased victims, the Department shall not be required to provide
21 separate areas for each family of each deceased victim. If
22 facilities are not capable or sufficient to provide all immediate
23 family members with a direct view of the execution, the Department

1 of Corrections may broadcast the execution by means of a closed
2 circuit television system to an area in which other immediate family
3 members may be located.

4 Immediate family members may request individuals not directly
5 related to the deceased victim but who serve a close supporting role
6 or professional role to the deceased victim or an immediate family
7 member, including, but not limited to, a minister or licensed
8 counselor. The warden in consultation with the Director shall
9 approve or disapprove such requests. Provided further, the
10 Department may set a limit on the number of witnesses or viewers
11 within occupancy limits.

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

16 E. Any surviving victim of the defendant who is eighteen (18)
17 years of age or older may view the execution by closed circuit
18 television with the approval of both the Director of the Department
19 of Corrections and the warden. The Director and warden shall
20 prioritize persons to view the execution, including immediate family
21 members, surviving victims, and supporting persons, and may set a
22 limit on the number of viewers within occupancy limits. Any
23 surviving victim approved to view the execution of ~~their perpetrator~~

1 the defendant may have an accompanying support person as provided
2 for members of the immediate family of a deceased victim. As used
3 in this subsection, "surviving victim" means any person who suffered
4 serious harm or injury due to the criminal acts of the defendant of
5 which the defendant has been convicted in a court of competent
6 jurisdiction.

7 SECTION 3. This act shall become effective November 1, 2011.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/15/2011 - DO
9 PASS, As Coauthored.

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