

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1679

By: Wright

7 COMMITTEE SUBSTITUTE

8 An Act relating to criminal procedure; amending 22
9 O.S. 2011, Section 1014, as amended by Section 1,
10 Chapter 75, O.S.L. 2015 (22 O.S. Supp. 2016, Section
11 1014), which relates to the death penalty; clarifying
12 manner in which death sentence is carried out;
13 deleting certain method of execution; designating the
14 Director of the Department of Corrections to select
15 execution method; providing notice requirement; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1014, as
19 amended by Section 1, Chapter 75, O.S.L. 2015 (22 O.S. Supp. 2016,
20 Section 1014), is amended to read as follows:

21 Section 1014. ~~A.~~ The punishment of death shall be carried out
22 by ~~the~~ the:

23 1. The administration of a lethal quantity of a drug or drugs
24 until death is pronounced by a licensed physician according to
accepted standards of medical practice~~.~~

1 ~~B. If the execution of the sentence of death as provided in~~
2 ~~subsection A of this section is held unconstitutional by an~~
3 ~~appellate court of competent jurisdiction or is otherwise~~
4 ~~unavailable, then the sentence of death shall be carried out by~~
5 ~~nitrogen;~~

6 2. Nitrogen hypoxia-

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

12 ~~D. If the execution of the sentence of death as provided in~~
13 ~~subsections A, B and C of this section is held unconstitutional by~~
14 ~~an appellate court of competent jurisdiction or is otherwise~~
15 ~~unavailable, then the sentence of death shall be carried out by~~
16 ~~firing;~~

17 3. Firing squad; or

18 4. When the above methods are unavailable, any method not
19 prohibited by the United States Constitution.

20 The manner of carrying out the punishment of death shall be
21 selected by the Director of the Department of Corrections. Notice
22 of the selected manner of carrying out the punishment shall be given
23 to the convicted inmate as provided by policy of the Department of
24 Corrections.

SECTION 2. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
CORRECTIONS, dated 02/09/2017 - DO PASS, As Amended.