

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2750

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to capital punishment; amending 22
8 O.S. 2011, Sections 1015 and 1016, which relate to
9 execution procedures; transferring authority over
10 executions to the Commissioner of Public Safety;
11 directing Commissioner to coordinate, oversee and
12 determine procedures for planning, implementing,
13 documenting and reviewing executions in the State of
14 Oklahoma; and providing an effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1015, is
17 amended to read as follows:

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

21 B. The judgment of execution shall take place under the
22 authority and at the direction of the Commissioner of Public Safety.

23 The Commissioner, the Director of the Department of Corrections and
24 the warden must be present along with other necessary prison and
25 corrections officials to carry out the execution. The ~~warden~~
Commissioner must invite the presence of a physician and the

1 district attorney of the county in which the crime occurred or a
2 designee, the judge who presided at the trial issuing the sentence
3 of death, the chief of police of the municipality in which the crime
4 occurred, if applicable, and lead law enforcement officials of any
5 state, county or local law enforcement agency who investigated the
6 crime or testified in any court or clemency proceeding related to
7 the crime, including but not limited to the sheriff of the county
8 wherein the conviction was had, to witness the execution; ~~in~~. In
9 addition, the Cabinet Secretary of Safety and Security must be
10 invited as well as any other personnel or correctional personnel
11 deemed appropriate and approved by the ~~Director~~ Commissioner. The
12 ~~warden~~ Commissioner shall, at the request of the defendant, permit
13 the presence of such ministers chosen by the defendant, not
14 exceeding two, and any persons, relatives or friends, not to exceed
15 five, as the defendant may name; provided, reporters from recognized
16 members of the news media will be admitted upon proper
17 identification, application and approval of the ~~warden~~ Commissioner.
18 The identity of all persons who participate in or administer the
19 execution process and persons who supply the drugs, medical supplies
20 or medical equipment for the execution shall be confidential and
21 shall not be subject to discovery in any civil or criminal
22 proceedings. The purchase of drugs, medical supplies or medical
23 equipment necessary to carry out the execution shall not be subject
24 to the provisions of The Oklahoma Central Purchasing Act.

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~~ Commissioner must invite the
7 prosecuting attorney or his or her designee, the judge, and the
8 chief law enforcement official from each jurisdiction where any
9 death sentence has issued. The above mentioned officials shall be
10 allowed to witness the execution or view the execution by closed
11 circuit television as determined by the ~~Director of the Department~~
12 ~~of Corrections~~ Commissioner.

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 admitted; 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
24 of Corrections may broadcast the execution by means of a closed

1 circuit television system to an area in which other immediate family
2 members may be located.

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

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

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

1 victim. As used in this subsection, "surviving victim" means any
2 person who suffered serious harm or injury due to the criminal acts
3 of the defendant of which the defendant has been convicted in a
4 court of competent jurisdiction.

5 F. On or after November 1, 2016, the Commissioner of Public
6 Safety shall coordinate and oversee the planning, implementation,
7 documentation and review of all executions of persons sentenced to
8 death in the State of Oklahoma. Procedures shall be determined by
9 the Commissioner who shall ensure compliance with the requirements
10 of the laws of this state and the constitutions of the United States
11 of America and the State of Oklahoma.

12 SECTION 2. AMENDATORY 22 O.S. 2011, Section 1016, is
13 amended to read as follows:

14 Section 1016. After the execution, the ~~warden~~ Commissioner of
15 Public Safety must make a report upon the death warrant to the court
16 by which the judgment was rendered, showing the time, mode and
17 manner in which it was executed.

18 SECTION 3. This act shall become effective November 1, 2016.

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