

HOUSE BILL No. 1070

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-6.

Synopsis: Execution of the death sentence. Provides that a convicted female who is sentenced to death shall: (1) be confined in a female correctional facility and transported to the state prison not more than 30 days before the date of her execution; and (2) remain segregated from male prisoners while at the state prison. Specifies the persons who may view an execution. (Current law specifies the persons who may be present at an execution.) Allows the warden of the state prison to exclude a person from viewing an execution if the warden determines that the presence of the person would threaten the safety or security of
(Continued next page)

Effective: July 1, 1998.

Gulling

January 6, 1998, read first time and referred to Committee on Courts and Criminal Code.



Digest Continued

the state prison. Provides that the department of correction: (1) shall keep the identities of persons who assist the warden in an execution confidential; and (2) may classify as confidential and withhold from the public any documents that relate to the performance of an execution.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1070

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-38-6-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) ~~The A~~ **A convicted**
3 **person male** shall be confined in the state prison until the date of his
4 execution. **A convicted female shall:**
5 (1) **be:**
6 (A) **confined in a female correctional facility; and**
7 (B) **transported to the state prison not more than thirty**
8 **(30) days before the date of her execution; and**
9 (2) **remain segregated from male prisoners while at the state**
10 **prison.**
11 (b) The convicted person's:
12 (1) attorney;
13 (2) physician;
14 (3) relatives;
15 (4) friends; and



1 (5) spiritual advisor;
 2 may visit ~~him~~ **the convicted person** while ~~he~~ **the convicted person** is
 3 confined. The department of correction shall adopt rules, under
 4 IC 4-22-2, governing such visits.

5 SECTION 2. IC 35-38-6-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. **(a)** Only the
 7 following persons may ~~be present at~~ **view** the execution:

- 8 (1) The warden and any of his assistants who are necessary to
 9 assist him in the execution.
 10 (2) The prison physician.
 11 (3) One (1) other physician.
 12 (4) The spiritual advisor of the convicted person.
 13 (5) The prison chaplain.
 14 (6) Not more than ten (10) friends or relatives of the convicted
 15 person who are invited by the convicted person to attend.

16 **(b) The warden may exclude a person from viewing the**
 17 **execution if the warden determines that the presence of the person**
 18 **would threaten the safety or security of the state prison.**

19 **(c) The department of correction:**

- 20 **(1) shall keep the identities of persons who assist the warden**
 21 **in an execution confidential; and**
 22 **(2) may:**
 23 **(A) classify as confidential; and**
 24 **(B) withhold from the public;**
 25 **any documents that relate to the performance of an execution.**

26 SECTION 3. IC 35-38-6-9 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. **Except as provided**
 28 **in sections 4 and 10 of this chapter**, the provisions of this chapter in
 29 relation to the infliction of the death penalty extend equally, so far as
 30 applicable, to the case of any woman convicted and sentenced to death.

