



February 10, 1999

SENATE BILL No. 659

DIGEST OF SB 659 (Updated February 9, 1999 10:15 A.M.) - DI grg)

Citations Affected: IC 35-38.

Synopsis: Capital punishment procedures. 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 superintendent of the state prison to exclude a person from viewing an execution if it is determined that the presence of the person would threaten the safety or security of the state prison. Provides that the department of correction: (1) shall keep the identities of persons who assist the superintendent of the state prison 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.

Effective: July 1, 1999.

Bray

January 25, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
February 9, 1999, amended; reassigned to Committee on Corrections, Criminal, and Civil Procedures.

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February 10, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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SENATE BILL No. 659

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, 1999]: Sec. 4. (a) ~~The 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

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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, 1999]: Sec. 6. (a) Only the
 7 following persons may ~~be present at~~ **view** the execution:

8 (1) The ~~warden~~ **superintendent of the state prison** and any of ~~his~~
 9 **the superintendent's** assistants who are necessary to assist ~~him~~
 10 **the superintendent** in the execution.

11 (2) The prison physician.

12 (3) One (1) other physician.

13 (4) The spiritual advisor of the convicted person.

14 (5) The prison chaplain.

15 (6) Not more than ten (10) friends or relatives of the convicted
 16 person who are invited by the convicted person to attend.

17 (b) **The superintendent of the state prison may exclude a person**
 18 **from viewing the execution if the superintendent determines, in**
 19 **writing, that the presence of the person would threaten the safety**
 20 **or security of the state prison.**

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

22 (1) **shall keep the identities of persons who assist the**
 23 **superintendent of the state prison in an execution**
 24 **confidential; and**

25 (2) **may:**

26 (A) **classify as confidential; and**

27 (B) **withhold from the public;**

28 **any documents that relate to the performance of an execution.**

29 SECTION 3. IC 35-38-6-9 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. **Except as provided**
 31 **in sections 4 and 10 of this chapter**, the provisions of this chapter in
 32 relation to the infliction of the death penalty extend equally, so far as
 33 applicable, to the case of any woman convicted and sentenced to death.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 659, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Procedure.

(Reference is to SB 659 as introduced.)

GARTON, Chairperson

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