

# HOUSE BILL No. 1644

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-6.

**Synopsis:** Housing of condemned offender. Removes the requirement that a death penalty execution occur before the hour of sunrise on the execution date. Requires an inmate awaiting a death penalty execution to be confined in a maximum security facility.

**Effective:** July 1, 2009.

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## Dermody, Dembowski

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January 16, 2009, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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**HOUSE BILL No. 1644**



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 35-38-6-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The punishment  
3 of death shall be inflicted by intravenous injection of a lethal substance  
4 or substances into the convicted person:  
5 (1) in a quantity sufficient to cause the death of the convicted  
6 person; and  
7 (2) until the convicted person is dead.  
8 (b) The death penalty shall be inflicted ~~before the hour of sunrise~~ on  
9 a date fixed by the sentencing court. However, the execution must not  
10 occur until at least one hundred (100) days after the conviction.  
11 (c) The superintendent of the state prison, or persons designated by  
12 the superintendent, shall designate the person who is to serve as the  
13 executioner.  
14 (d) The department of correction may adopt rules under IC 4-22-2  
15 necessary to implement subsection (a).  
16 SECTION 2. IC 35-38-6-4 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The convicted



1 person shall be confined in ~~the state prison~~ **a maximum security**  
2 **facility** until **a reasonable time before** the date of the convicted  
3 person's execution. ~~The convicted person may temporarily be held in~~  
4 ~~a maximum security facility for security purposes or during renovation~~  
5 ~~of the state prison~~. A convicted female shall be confined in a maximum  
6 security women's prison until not more than thirty (30) days before the  
7 date of her execution. A convicted female shall be segregated from  
8 male prisoners after her transfer from the women's prison.  
9 (b) The convicted person's:  
10 (1) attorney;  
11 (2) physician;  
12 (3) relatives;  
13 (4) friends; and  
14 (5) spiritual advisor;  
15 may visit the convicted person while the convicted person is confined.  
16 The department of correction shall adopt rules, under IC 4-22-2,  
17 governing such visits.

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