

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1702

6 By: Daniels

7 COMMITTEE SUBSTITUTE

8 An Act relating to death penalty procedure; amending  
9 22 O.S. 2021, Section 1015, which relates to place of  
10 execution of judgment; requiring confidentiality of  
11 identity of certain persons or entities; providing  
12 exception to discovery of certain materials;  
13 providing for retroactive application of certain  
14 provisions; updating statutory language; updating  
15 statutory reference; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1015, is  
18 amended to read as follows:

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

23 B. The judgment of execution shall take place under the  
24 authority of the Director of the Department of Corrections and the  
warden ~~must~~ shall be present along with other necessary prison and  
corrections officials to carry out the execution. The warden ~~must~~

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

1 information that may identify or reasonably lead directly or  
2 indirectly to the identification of any person or entity who  
3 participates in or administers the execution process or any person  
4 or entity who produces or supplies the drugs, medical supplies, or  
5 medical equipment for the execution. The confidentiality  
6 requirement and discovery exemption shall apply to any execution  
7 process occurring prior to, on, or after the effective date of this  
8 act. The purchase of drugs, medical supplies, or medical equipment  
9 necessary to carry out the execution shall not be subject to the  
10 provisions of ~~The~~ the Oklahoma Central Purchasing Act.

11 C. In the event the defendant has been sentenced to death in  
12 one or more criminal proceedings in this state, or has been  
13 sentenced to death in this state and by one or more courts of  
14 competent jurisdiction in another state or pursuant to federal  
15 authority, or any combination thereof, and this state has priority  
16 to execute the defendant, the warden ~~must~~ shall invite the  
17 prosecuting attorney or his or her designee, the judge, and the  
18 chief law enforcement official from each jurisdiction where any  
19 death sentence has issued. ~~The above mentioned~~ officials designated  
20 in this subsection shall be allowed to witness the execution or view  
21 the execution by closed circuit television as determined by the  
22 Director of the Department of Corrections.

23 D. A place shall be provided at the Oklahoma State Penitentiary  
24 at McAlester so that individuals who are eighteen (18) years of age

1 or older and who are members of the immediate family of any deceased  
2 victim of the defendant may witness the execution. The immediate  
3 family members shall be allowed to witness the execution from an  
4 area that is separate from the area to which other nonfamily member  
5 witnesses are admitted; provided, however, if there are multiple  
6 deceased victims, the Department shall not be required to provide  
7 separate areas for each family of each deceased victim. If  
8 facilities are not capable or sufficient to provide all immediate  
9 family members with a direct view of the execution, the Department  
10 of Corrections may broadcast the execution by means of a closed  
11 circuit television system to an area in which other immediate family  
12 members may be located.

13 Immediate family members may request individuals not directly  
14 related to the deceased victim but who serve a close supporting role  
15 or professional role to the deceased victim or an immediate family  
16 member, including, but not limited to, a minister or licensed  
17 counselor. The warden in consultation with the Director shall  
18 approve or disapprove such requests. Provided further, the  
19 Department may set a limit on the number of witnesses or viewers  
20 within occupancy limits.

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

1 E. Any surviving victim of the defendant who is eighteen (18)  
2 years of age or older may view the execution by closed circuit  
3 television with the approval of both the Director of the Department  
4 of Corrections and the warden. The Director and warden shall  
5 prioritize persons to view the execution, including immediate family  
6 members, surviving victims, and supporting persons, and may set a  
7 limit on the number of viewers within occupancy limits. Any  
8 surviving victim approved to view the execution of the defendant may  
9 have an accompanying support person as provided for members of the  
10 immediate family of a deceased victim. As used in this subsection,  
11 "surviving victim" means any person who suffered serious harm or  
12 injury due to the criminal acts of the defendant of which the  
13 defendant has been convicted in a court of competent jurisdiction.

14 SECTION 2. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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