

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

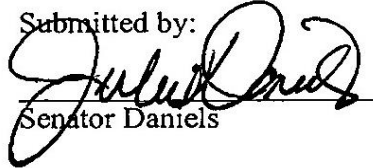
No. 1

COMMITTEE AMENDMENT

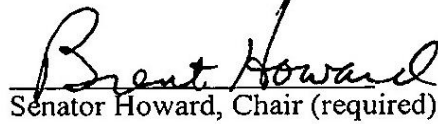
(Date)

I move to amend Senate Bill No. 1702 by substituting the attached floor substitute (Request # 3636) for the title, enacting clause, and entire body of the measure.

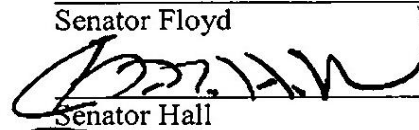
Submitted by:


Senator Daniels

I hereby grant permission for the floor substitute to be adopted.


Senator Howard, Chair (required)

Senator Floyd

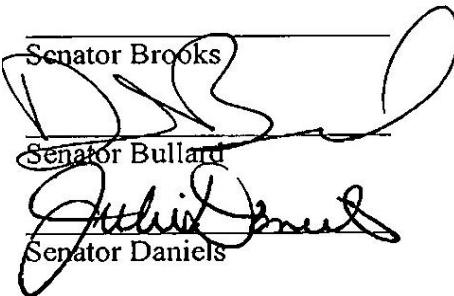

Senator Hall

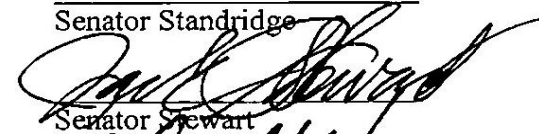
Senator Gollihare


Senator Jech

Senator Boren

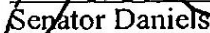
Senator Standridge


Senator Brooks


Senator Stewart


Senator Bullard


Senator Weaver


Senator Daniels

Senator Treat, President Pro Tempore

Senator McCartney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Daniels-TEK-FS-SB1702
3/7/2024 2:50 PM

(Floor Amendments Only)

Date and Time Filed: 3-7-24

3:37 pm AK

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1702

By: Daniels of the Senate

and

6 Worthen of the House

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8
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10 FLOOR SUBSTITUTE

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

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

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

22 Section 1015. A. A judgment of death ~~must~~ shall be executed at
23 the Oklahoma State Penitentiary at McAlester, Oklahoma, ~~said~~ such
24

1 prison to be designated by the court by which judgment is to be
2 rendered.

3 B. The judgment of execution shall take place under the
4 authority of the Director of the Department of Corrections and the
5 warden ~~must~~ shall be present along with other necessary prison and
6 corrections officials to carry out the execution. The warden ~~must~~
7 shall invite the presence of a physician and the district attorney
8 of the county in which the crime occurred or a designee, the judge
9 who presided at the trial issuing the sentence of death, the chief
10 of police of the municipality in which the crime occurred, if
11 applicable, and lead law enforcement officials of any state, county
12 or local law enforcement agency who investigated the crime or
13 testified in any court or clemency proceeding related to the crime,
14 including but not limited to the sheriff of the county ~~wherein~~ where
15 the conviction ~~was had~~ occurred, to witness the execution; in
16 addition, the ~~Cabinet~~ Secretary of Public Safety and Security ~~must~~
17 shall be invited as well as any other personnel or correctional
18 personnel deemed appropriate and approved by the Director. The
19 warden shall, at the request of the defendant, permit the presence
20 of such ministers chosen by the defendant, not exceeding two, and
21 any persons, relatives, or friends, not to exceed five, as the
22 defendant may name; provided, reporters from recognized members of
23 the news media ~~will~~ shall be admitted upon proper identification,
24 application, and approval of the warden. The identity of all

1 persons or entities who participate in or administer the execution
2 process and persons or entities who produce or supply the drugs,
3 medical supplies, or medical equipment for the execution shall be
4 confidential and shall not be subject to discovery in any civil or
5 criminal proceedings. The confidentiality requirement and discovery
6 exemption required by this subsection shall be broadly construed and
7 shall include but not be limited to any documents, records,
8 photographs, or other information that the Director of the
9 Department of Corrections determines may identify or reasonably lead
10 directly or indirectly to the identification of any person or entity
11 who participates in or administers the execution process or any
12 person or entity who produces or supplies the drugs, medical
13 supplies, or medical equipment for the execution. The
14 confidentiality requirement and discovery exemption shall apply to
15 records existing prior to, on, or after the effective date of this
16 act. The purchase of drugs, medical supplies, or medical equipment
17 and any other expenditures necessary to carry out the execution
18 shall not be subject to the provisions of ~~The~~ the Oklahoma Central
19 Purchasing Act.

20 C. In the event the defendant has been sentenced to death in
21 one or more criminal proceedings in this state, or has been
22 sentenced to death in this state and by one or more courts of
23 competent jurisdiction in another state or pursuant to federal
24 authority, or any combination thereof, and this state has priority

1 to execute the defendant, the warden ~~must~~ shall invite the
2 prosecuting attorney or his or her designee, the judge, and the
3 chief law enforcement official from each jurisdiction where any
4 death sentence has issued. The ~~above mentioned~~ officials designated
5 in this subsection shall be allowed to witness the execution or view
6 the execution by closed circuit television as determined by the
7 Director of the Department of Corrections.

8 D. A place shall be provided at the Oklahoma State Penitentiary
9 at McAlester so that individuals who are eighteen (18) years of age
10 or older and who are members of the immediate family of any deceased
11 victim of the defendant may witness the execution. The immediate
12 family members shall be allowed to witness the execution from an
13 area that is separate from the area to which other nonfamily member
14 witnesses are admitted; provided, however, if there are multiple
15 deceased victims, the Department shall not be required to provide
16 separate areas for each family of each deceased victim. If
17 facilities are not capable or sufficient to provide all immediate
18 family members with a direct view of the execution, the Department
19 of Corrections may broadcast the execution by means of a closed
20 circuit television system to an area in which other immediate family
21 members may be located.

22 Immediate family members may request individuals not directly
23 related to the deceased victim but who serve a close supporting role
24 or professional role to the deceased victim or an immediate family

1 member, including, but not limited to, a minister or licensed
2 counselor. The warden in consultation with the Director shall
3 approve or disapprove such requests. Provided further, the
4 Department may set a limit on the number of witnesses or viewers
5 within occupancy limits.

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

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

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 59-2-3636 TEK 3/7/2024 4:31:11 PM

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