

1                               **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3                       2nd Session of the 59th Legislature (2024)

4   ENGROSSED SENATE  
5   BILL NO. 1702

  By: Daniels of the Senate

  and

  Worthen of the House

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

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

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

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

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

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

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

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

1 the execution by closed circuit television as determined by the  
2 Director of the Department of Corrections.

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

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

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

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

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

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, 03/27/2024 -  
24 DO PASS.