

1 **SENATE FLOOR VERSION**

2 February 27, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1702

6 By: Daniels

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

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

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

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

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

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

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

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

22 D. A place shall be provided at the Oklahoma State Penitentiary
23 at McAlester so that individuals who are eighteen (18) years of age
24 or older and who are members of the immediate family of any deceased

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

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

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

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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.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
19 February 27, 2024 - DO PASS AS AMENDED BY CS
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