



February 14, 2006

**ENGROSSED  
SENATE BILL No. 160**

DIGEST OF SB 160 (Updated February 8, 2006 4:12 pm - DI 69)

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

**Synopsis:** Witnesses at an execution. Reduces to five the number of friends and relatives of a convicted person who may be present at an execution, and permits up to eight adult members of the immediate family of the victim to be present at an execution. Requires the department of correction to establish a procedure to select the family members who may be present at an execution if more than eight family members of a victim wish to attend or if there is more than one victim, and to establish a support room for the use of family members of a victim and support persons who will not be present at the execution.

**Effective:** Upon passage.

**Wyss, Lewis, Jackman**  
(HOUSE SPONSORS — ULMER, KUZMAN)

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
January 26, 2006, reported favorably — Do Pass.  
January 30, 2006, read second time, ordered engrossed.  
February 1, 2006, read third time, passed. Yeas 47, nays 3.

HOUSE ACTION  
February 7, 2006, read first time and referred to Committee on Courts and Criminal Code.  
February 13, 2006, amended, reported — Do Pass.

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February 14, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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**ENGROSSED  
SENATE BILL No. 160**

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-38-6-6 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Only the
- 3 following persons may be present at the execution:
- 4 (1) The superintendent of the state prison.
- 5 (2) The person designated by the superintendent of the state
- 6 prison and any assistants who are necessary to assist in the
- 7 execution.
- 8 (3) The prison physician.
- 9 (4) One (1) other physician.
- 10 (5) The spiritual advisor of the convicted person.
- 11 (6) The prison chaplain.
- 12 (7) Not more than ~~ten (10)~~ **five (5)** friends or relatives of the
- 13 convicted person who are invited by the convicted person to
- 14 attend.
- 15 **(8) Except as provided in subsection (b), not more than eight**
- 16 **(8) of the following members of the victim's immediate family**
- 17 **who are at least eighteen (18) years of age:**

ES 160—LS 6631/DI 106+



1           **(A) The victim's spouse.**  
 2           **(B) One (1) or more of the victim's children.**  
 3           **(C) One (1) or more of the victim's parents.**  
 4           **(D) One (1) or more of the victim's grandparents.**  
 5           **(E) One (1) or more of the victim's siblings.**  
 6           **(b) If there is more than one (1) victim, not more than eight (8)**  
 7 **persons who are members of the victims' immediate families may**  
 8 **be present at the execution. The department shall determine which**  
 9 **persons may be present in accordance with procedures adopted**  
 10 **under subsection (c).**  
 11           **(c) The department shall develop procedures to determine**  
 12 **which family members of a victim may be present at the execution**  
 13 **if more than eight (8) family members of a victim desire to be**  
 14 **present or if there is more than one (1) victim. Upon the request of**  
 15 **a family member of a victim, the department shall establish a**  
 16 **support room for the use of:**  
 17           **(1) an immediate family member of the victim described in**  
 18 **subsection (a)(8) who is not selected to be present at the**  
 19 **execution; and**  
 20           **(2) a person invited by an immediate family member of the**  
 21 **victim described in subsection (a)(8) to offer support to the**  
 22 **immediate family member.**  
 23           ~~(b)~~ **(d) The superintendent of the state prison may exclude a person**  
 24 **from viewing the execution if the superintendent determines that the**  
 25 **presence of the person would threaten the safety or security of the state**  
 26 **prison and sets forth this determination in writing.**  
 27           ~~(c)~~ **(e) The department of correction:**  
 28           **(1) shall keep confidential the identities of persons who assist the**  
 29 **superintendent of the state prison in an execution; and**  
 30 **(2) may:**  
 31           **(A) classify as confidential; and**  
 32           **(B) withhold from the public;**  
 33 **any part of a document relating to an execution that would reveal**  
 34 **the identity of a person who assists the superintendent in the**  
 35 **execution.**  
 36 **SECTION 2. An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Senate Bill 160.

WYSS

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 160, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 160 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 5, Nays 1.

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SENATE MOTION

Madam President: I move that Senator Lewis be added as second author of Engrossed Senate Bill 160.

WYSS

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "JULY 1, 2006:" and insert "UPON PASSAGE]:".

Page 2, after line 35, begin a new paragraph and insert:

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"SECTION 2. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 160 as printed January 27, 2006.)

ULMER, Chair

Committee Vote: yeas 7, nays 1.

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