

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.

## SENATE ENROLLED ACT No. 160

AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 35-38-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Only the following persons may be present at the execution:

- (1) The superintendent of the state prison.
- (2) The person designated by the superintendent of the state prison and any assistants who are necessary to assist in the execution.
- (3) The prison physician.
- (4) One (1) other physician.
- (5) The spiritual advisor of the convicted person.
- (6) The prison chaplain.
- (7) Not more than ~~ten (10)~~ **five (5)** friends or relatives of the convicted person who are invited by the convicted person to attend.
- (8) Except as provided in subsection (b), not more than eight (8) of the following members of the victim's immediate family who are at least eighteen (18) years of age:**
  - (A) The victim's spouse.**
  - (B) One (1) or more of the victim's children.**
  - (C) One (1) or more of the victim's parents.**
  - (D) One (1) or more of the victim's grandparents.**
  - (E) One (1) or more of the victim's siblings.**

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**(b) If there is more than one (1) victim, not more than eight (8) persons who are members of the victims' immediate families may be present at the execution. The department shall determine which persons may be present in accordance with procedures adopted under subsection (c).**

**(c) The department shall develop procedures to determine which family members of a victim may be present at the execution if more than eight (8) family members of a victim desire to be present or if there is more than one (1) victim. Upon the request of a family member of a victim, the department shall establish a support room for the use of:**

**(1) an immediate family member of the victim described in subsection (a)(8) who is not selected to be present at the execution; and**

**(2) a person invited by an immediate family member of the victim described in subsection (a)(8) to offer support to the immediate family member.**

~~(b)~~ **(d) The superintendent of the state prison may exclude a person from viewing the execution if the superintendent determines that the presence of the person would threaten the safety or security of the state prison and sets forth this determination in writing.**

~~(c)~~ **(e) The department of correction:**

**(1) shall keep confidential the identities of persons who assist the superintendent of the state prison in an execution; and**

**(2) may:**

**(A) classify as confidential; and**

**(B) withhold from the public;**

**any part of a document relating to an execution that would reveal the identity of a person who assists the superintendent in the execution.**

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

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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