



February 18, 2009

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## SENATE BILL No. 296

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DIGEST OF SB 296 (Updated February 16, 2009 9:43 pm - DI 106)

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

**Synopsis:** Death penalty executions. Removes the requirement that a death penalty execution occur before the hour of sunrise on the execution date. Requires the sentencing policy study committee to study the issue of housing death row inmates in a facility other than the Indiana state prison.

**Effective:** Upon passage; July 1, 2009.

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**Steele, Arnold**

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January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
February 17, 2009, amended, reported favorably — Do Pass.

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SB 296—LS 6623/DI 107+



February 18, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 296



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 35-38-6-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The punishment
- 3 of death shall be inflicted by intravenous injection of a lethal substance
- 4 or substances into the convicted person:
- 5 (1) in a quantity sufficient to cause the death of the convicted
- 6 person; and
- 7 (2) until the convicted person is dead.
- 8 (b) The death penalty shall be inflicted ~~before the hour of sunrise~~ on
- 9 a date fixed by the sentencing court. However, the execution must not
- 10 occur until at least one hundred (100) days after the conviction.
- 11 (c) The superintendent of the state prison, or persons designated by
- 12 the superintendent, shall designate the person who is to serve as the
- 13 executioner.
- 14 (d) The department of correction may adopt rules under IC 4-22-2
- 15 necessary to implement subsection (a).
- 16 SECTION 2. [EFFECTIVE UPON PASSAGE] **The legislative**
- 17 **council shall direct the sentencing policy study committee to study**

SB 296—LS 6623/DI 107+



1     **the issue of confining persons on death row in a maximum security**  
2     **prison other than the Indiana state prison until a reasonable time**  
3     **before the date of execution.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 296, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 16 through 17, begin a new paragraph and insert:

**"SECTION 2. [EFFECTIVE UPON PASSAGE] The legislative council shall direct the sentencing policy study committee to study the issue of confining persons on death row in a maximum security prison other than the Indiana state prison until a reasonable time before the date of execution."**

Delete page 2.

and when so amended that said bill do pass.

(Reference is to SB 296 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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