

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

626N0434

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1160** - 02/05/2007

Introduced by: Representatives Rhoden and Hargens and Senators Gray and Heidepriem

1 FOR AN ACT ENTITLED, An Act to repeal the requirement for physician involvement in the
2 execution of a sentence of death.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-27A-34 be amended to read as follows:

5 23A-27A-34. The warden of the penitentiary shall request, by at least two days' previous
6 notice, the presence of the attorney general, the trial judge before whom the conviction was had
7 or ~~his~~ the judge's successor in office, the state's attorney and sheriff of the county where the
8 crime was committed, and not more than ten reputable adult citizens, including at least one
9 member of the news media, to be selected by the warden at the execution. ~~The warden shall also~~
10 ~~arrange for the attendance of the prison physician and two other licensed physicians of this state.~~
11 The warden shall arrange for the attendance of ~~such~~ any prison guards and ~~peace law~~
12 enforcement officers ~~as he may deem~~ the warden deems proper.

13 Section 2. That § 23A-27A-38 be repealed.

14 ~~— 23A-27A-38. Immediately after the execution a post-mortem examination of the body of the~~
15 ~~defendant shall be made by the physicians present and they shall report in writing the result of~~



1 ~~their examination stating the nature thereof and the finding made, which report shall be annexed~~
2 ~~to the return mentioned in § 23A-27A-40 and filed therewith.~~

3 Section 3. That § 23A-27A-39 be amended to read as follows:

4 23A-27A-39. ~~After the post-mortem examination the~~ The body of the defendant, unless
5 claimed by some relative, shall be interred in a cemetery within the county where the
6 penitentiary is situated.

7 Section 4. That § 23A-27A-40 be amended to read as follows:

8 23A-27A-40. The warden or prison officer attending the execution and in charge ~~thereof~~
9 ~~must~~ of the execution shall immediately prepare and sign a certificate and return setting forth
10 the time, place, and manner ~~thereof~~ of the execution, and that the defendant was ~~then and there~~
11 executed in conformity to the judgment of the court and the provisions of this chapter. ~~He~~ The
12 warden or prison officer shall sign the certificate and return and shall also procure the same to
13 be signed by all the persons present and witnessing the execution and shall ~~thereupon cause~~ file
14 the certificate ~~together with the certificate of the post-mortem examination mentioned in § 23A-~~
15 ~~27A-38 to be filed~~ within ten days after the execution in the office of the clerk of the court
16 where the trial and conviction of the defendant ~~was had~~ took place.