State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0564

HOUSE BILL NO. 1175

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

FOR AN ACT ENTITLED, An Act to provide for the substances used in the execution of a sentence of death and to allow the choice of the substances used in an execution under certain circumstances.

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

Section 1. That § 23A-27A-32 be amended to read as follows:

23A-27A-32. The punishment of death shall be inflicted within the walls of some building at the state penitentiary ~~or within the yard or enclosure adjoining thereto~~. The punishment of death shall be inflicted by the ~~intravenous administration of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent and continuing the application thereof until the convict is pronounced dead by a licensed physician according to accepted standards of medical practice~~ intravenous injection of a substance or substances in a lethal quantity. The warden, subject to the approval of the secretary of corrections, shall determine the substances and the quantity of substances used for the punishment of death. An execution carried out by ~~lethal~~ intravenous injection shall be performed by a person ~~selected by the warden and~~ trained to administer the injection who is selected by the warden and approved by the secretary of corrections. The person administering the intravenous injection need not be

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

a physician, registered nurse, ~~or~~ licensed practical nurse, or other medical professional licensed or registered under the laws of this or any other state. Any infliction of the punishment of death by ~~administration of the required lethal~~ intravenous injection of a substance or substances in the manner required by this section may not be construed to be the practice of medicine ~~and any~~. Any pharmacist or pharmaceutical supplier is authorized to dispense the ~~drugs~~ substance or substances used to inflict the punishment of death to the warden without prescription, for carrying out the provisions of this section, notwithstanding any other provision of law.

Section 2. That chapter 23A-27A be amended by adding thereto a NEW SECTION to read as follows:

Any person convicted of a capital offense or sentenced to death prior to the effective date of this Act may choose to be executed in the manner provided in this Act or in the manner provided by South Dakota law at the time of the person's conviction or sentence. The person shall choose by indicating in writing to the warden not less than seven days prior to the scheduled week of execution the manner of execution chosen. If the person fails or refuses to choose in the time provided under this section, then the person shall be executed as provided in section 1 of this Act.