

HB3394



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3394

Introduced 2/24/2009, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

725 ILCS 5/119-5

from Ch. 38, par. 119-5

Amends the Code of Criminal Procedure of 1963. Makes a technical change in a Section concerning to the execution of a death sentence.

LRB096 07934 RLC 18038 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 119-5 as follows:

6 (725 ILCS 5/119-5) (from Ch. 38, par. 119-5)

7 Sec. 119-5. Execution of Death Sentence.

8 (a) (1) A defendant sentenced to death shall be executed by
9 an intravenous administration of a lethal quantity of an
10 ultrashort-acting barbiturate in combination with a
11 chemical paralytic agent and ~~and~~ potassium chloride or
12 other equally effective substances sufficient to cause
13 death until death is pronounced by a coroner who is not a
14 licensed physician.

15 (2) If the execution of the sentence of death as
16 provided in paragraph (1) is held illegal or
17 unconstitutional by a reviewing court of competent
18 jurisdiction, the sentence of death shall be carried out by
19 electrocution.

20 (b) In pronouncing the sentence of death the court shall
21 set the date of the execution which shall be not less than 60
22 nor more than 90 days from the date sentence is pronounced.

23 (c) A sentence of death shall be executed at a Department

1 of Corrections facility.

2 (d) The warden of the penitentiary shall supervise such
3 execution, which shall be conducted in the presence of 6
4 witnesses who shall certify the execution of the sentence. The
5 certification shall be filed with the clerk of the court that
6 imposed the sentence.

7 (d-5) The Department of Corrections shall not request,
8 require, or allow a health care practitioner licensed in
9 Illinois, including but not limited to physicians and nurses,
10 regardless of employment, to participate in an execution.

11 (e) Except as otherwise provided in this subsection (e),
12 the identity of executioners and other persons who participate
13 or perform ancillary functions in an execution and information
14 contained in records that would identify those persons shall
15 remain confidential, shall not be subject to disclosure, and
16 shall not be admissible as evidence or be discoverable in any
17 action of any kind in any court or before any tribunal, board,
18 agency, or person. In order to protect the confidentiality of
19 persons participating in an execution, the Director of
20 Corrections may direct that the Department make payments in
21 cash for such services. In confidential investigations by the
22 Department of Professional Regulation, the Department of
23 Corrections shall disclose the names and license numbers of
24 health care practitioners participating or performing
25 ancillary functions in an execution to the Department of
26 Professional Regulation and the Department of Professional

1 Regulation shall forward those names and license numbers to the
2 appropriate disciplinary boards.

3 (f) The amendatory changes to this Section made by this
4 amendatory Act of 1991 are severable under Section 1.31 of the
5 Statute on Statutes.

6 (g) (Blank).

7 (h) Notwithstanding any other provision of law, any
8 pharmaceutical supplier is authorized to dispense drugs to the
9 Director of Corrections or his or her designee, without
10 prescription, in order to carry out the provisions of this
11 Section.

12 (i) The amendatory changes to this Section made by this
13 amendatory Act of the 93rd General Assembly are severable under
14 Section 1.31 of the Statute on Statutes.

15 (Source: P.A. 93-379, eff. 7-24-03.)