

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 107

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO EXECUTION; AMENDING SECTION 19-2716, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INFLICTION OF THE DEATH PENALTY AND TO CORRECT A CODIFIER'S ERROR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2716, Idaho Code, be, and the same is hereby amended to read as follows:

19-2716. INFLICTION OF DEATH PENALTY. The punishment of death shall be inflicted by continuous, intravenous administration of a lethal quantity of ~~an ultra short acting barbituate in combination with a chemical paralytic agent~~ a substance or substances approved by the director of the Idaho department of correction until death is pronounced by a physician licensed under the provisions of chapter 18, title 54, Idaho Code, in accordance with accepted medical standards a coroner or a deputy coroner. The director of the Idaho department of corrections shall determine ~~the substance or substances to be used and~~ the procedures to be used in any execution; ~~provided, however, that, in any case where the director finds it to be impractical to carry out the punishment of death by administration of the required lethal substance or substances for the reason that it is not reasonably possible to obtain expert technical assistance, should such be necessary to assure that infliction of death by administration of such substance or substances can be carried out in a manner which causes death without unnecessary suffering, the sentence of death may be carried out by firing squad, the number of members of which shall be determined by the director; and provided further, that any infliction of the punishment of death by administration of the required lethal substance or substances in the manner required by this section shall not be construed to be the practice of medicine and any pharmacist or pharmaceutical supplier is authorized to dispense drugs to the director or his designee, without prescription, for carrying out the provisions of this section, notwithstanding any other provision of law.~~ This act shall apply to all executions carried out on and after the effective date of this enactment, irrespective of the date sentence was imposed.