

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 37

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO METHODS OF EXECUTION; AMENDING SECTION 19-2716, IDAHO CODE, TO  
REVISE PROVISIONS REGARDING METHODS OF EXECUTION; AND PROVIDING AN EF-  
FECTIVE DATE.

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. METHODS OF EXECUTION. (1) The punishment of death shall be  
inflicted by the following methods:

(a) Firing squad; or

~~(a) (b) Continuous, intravenous administration of a lethal quantity of  
a substance or substances approved by the director of the Idaho depart-  
ment of correction until death is pronounced by a coroner or a deputy  
coroner; or.~~

~~(b) Firing squad.~~

(2) Not later than five (5) days after the issuance of a death warrant,  
the director of the Idaho department of correction must determine, and cer-  
tify by affidavit to the court that issued the death warrant, whether execu-  
tion by ~~lethal injection~~ firing squad, as described in subsection (1) (a) of  
this section, is available.

(3) If the director certifies that ~~lethal injection~~ firing squad is  
available, the method of execution shall be ~~lethal injection~~ firing squad.

(4) If the director does not certify that ~~lethal injection~~ firing squad  
is available, or fails to file a certification as required pursuant to sub-  
section (2) of this section, ~~or otherwise determines that lethal injection  
is unavailable,~~ the method of execution shall be ~~firing squad~~ lethal injec-  
tion, as described in subsection (1) (b) of this section.

(5) If a court holds that ~~lethal injection~~ firing squad is unconstitu-  
tional, on its face or as applied, or otherwise determines that ~~firing squad~~  
lethal injection is a constitutionally required method of execution, the  
method of execution shall be ~~firing squad~~ lethal injection.

(6) The director shall determine the procedures to be used in any execu-  
tion.

(7) The provisions of this section shall apply to all executions car-  
ried out on and after the effective date of this enactment, irrespective of  
the date sentence was imposed.

SECTION 2. This act shall be in full force and effect on and after July  
1, 2026.