



Am. H.B. 362*

124th General Assembly
(As Reported by H. Criminal Justice)

Reps. Trakas, Seaver, Husted, D. Miller, Jerse, Kearns, Damschroder, Perry, Barnes

BILL SUMMARY

- Eliminates electrocution as an option for the execution of a death sentence and requires the use of lethal injection as the means of executing all death sentences.
- Provides a procedure for determining the manner of execution of a death sentence if lethal injection is determined to be unconstitutional.
- Declares an emergency.

CONTENT AND OPERATION

Existing law

Under current law, any person sentenced to death has two options of how the death sentence will be executed, lethal injection or electrocution. (R.C. 2949.22.)

Any person sentenced to death may elect to be executed by lethal injection, which involves the application to the person of a lethal injection of a drug or combination of drugs of sufficient dosage to quickly and painlessly cause death. In order to elect lethal injection, the person sentenced to death must file a written notice of the election no later than one week prior to the scheduled date of execution of the person with the Department of Rehabilitation and Correction (DRC). If a person sentenced to death timely files with DRC a written notice of

* *This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

an election to be executed by lethal injection, the person's death sentence must be executed by lethal injection. (R.C. 2949.22(B)(1).)

If a person sentenced to death does not file a written notice of election to be executed by lethal injection with DRC or fails to timely file such notice, the death sentence must be executed by electrocution. Electrocution is achieved by causing a current of electricity, of sufficient intensity to cause death, to pass through the body of the person upon whom the sentence was imposed. (R.C. 2949.22(A) and (B)(1).)

Operation of the bill

The bill eliminates electrocution as an option for the execution of a death sentence. Therefore, under the bill, any person who has been sentenced to death must be executed by the application to the person, upon whom the sentence was imposed, of a lethal injection of a drug or combination of drugs of sufficient dosage to quickly and painlessly cause death. (R.C. 2949.22(A).)

The bill also provides that if a person is sentenced to death and if the execution of a death sentence by lethal injection has been determined unconstitutional, the death sentence must be executed by using any different manner of execution (other than lethal injection) prescribed by law subsequent to the effective date of this bill, provided that the subsequently prescribed different manner of execution has not been determined to be unconstitutional. As under existing law for electrocution and lethal injection, the warden of the state correctional institution in which the death sentence is executed or another person selected by the Director of DRC is required to insure that the sentence of death is executed. (R.C. 2949.22(C).)

The bill removes any cross reference in existing law to executing a person's death sentence by electrocution (R.C. 2949.25(A)(1)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-13-01	p. 829
Reported, H. Criminal Justice	---	---

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