



H.B. 382

124th General Assembly
(As Introduced)

Reps. Latta, Womer Benjamin, Seitz, Hollister, Cates, G. Smith, Aslanides, Williams, Carmichael, Fessler, Schmidt, Damschroder, Perry, Webster, Lendrum, Husted, Young

BILL SUMMARY

- Requires a death sentence to be executed by lethal injection if the death sentence was to be executed by electrocution and electrocution is determined to be unconstitutional.
- Provides a procedure for determining the manner of execution of a death sentence if both lethal injection and electrocution are determined to be unconstitutional.

CONTENT AND OPERATION

Existing law

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

Unless otherwise requested, a person sentenced to death must have the death sentence executed by electrocution. However, any person sentenced to death may elect to be executed by lethal injection instead of by electrocution. The election must be made no later than one week prior to the scheduled date of execution of the person by filing a written notice of the election with the Department of Rehabilitation and Correction (DRC). If the person sentenced to death timely files with DRC a written notice, the person's death sentence must be executed by lethal injection. If the person fails to timely file with DRC a written notice of election to be executed by lethal injection, the person's death sentence must be executed by electrocution (R.C. 2949.22(A) and (B)(1)).

If a person sentenced to death properly elects to be executed by lethal injection and if the execution of a death sentence by lethal injection is determined

to be unconstitutional, the death sentence must be executed by electrocution (R.C. 2949.22(D)).

Operation of the bill

Under the bill, if a death sentence is required to be executed by electrocution and if electrocution is determined to be unconstitutional, the death sentence must be executed by lethal injection (R.C. 2949.22(E)).

The bill also provides that if a person is sentenced to death, and if both the execution of a death sentence by lethal injection and electrocution have been determined to be unconstitutional, the death sentence must be executed by using any different manner of execution (other than lethal injection or electrocution) prescribed by law subsequent to the effective date of this bill, provided that the subsequent prescribed different manner of execution has not been determined to be unconstitutional (R.C. 2949.22(F)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-27-01	p. 858

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