SENATE BILL 93

Introduced by Beck

Introduced
Referred to Judiciary
First Reading
Hearing
Committee ReportBill Passed
2nd Reading Passed
3rd Reading Passed
Transmitted to House
First Reading
Referred to Judiciary
Hearing
Committee ReportBill Concurred
2nd Reading Concur Motion Failed
Motion Failed to Segregate From Committee
of the Whole Report

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1			Sende	BILL NO.	93
2	INTRODUCED	BY	Link -		

3 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING DEATH BY 4 HANGING AS A METHOD OF EXECUTION OF DEFENDANTS SENTENCED TO DEATH: AMENDING SECTION 46-19-103, MCA; AND PROVIDING AN

IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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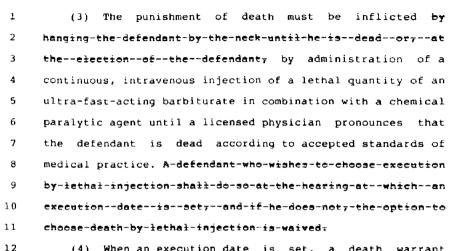
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-19-103, MCA, is amended to read:

*46-19-103. Execution of death sentence. (1) In pronouncing the sentence of death, the court shall set the date of execution, which must not be less than 30 days or more than 60 days from the date the sentence is pronounced. If execution has been stayed by any court and the date set for execution has passed prior to dissolution of the stay, the court in which the defendant was previously sentenced shall, upon dissolution of the stay, set a new date of execution for not less than 20 or more than 90 days from the day the date is set. The defendant is entitled to be present in court on the day the new date of execution is set.

(2) Pending execution of a sentence of death, the sheriff may deliver the defendant to the state prison for confinement, and the state shall bear the costs of imprisoning the defendant from the date of delivery.



- (4) When an execution date is set, a death warrant signed by the judge and attested by the clerk of court under the seal of the court must, within 5 days, be prepared. The warrant and a certified copy of the judgment must be delivered to the warden of the state prison. The warrant must be directed to the warden and recite the conviction. judgment, method of execution, appointed date of execution, and the duration of the warrant.
- (5) The warden of the Montana state prison shall provide a suitable and efficient room or place in which executions will be carried out, enclosed from public view, within the walls of the state prison, and shall provide all implements necessary to the execution. The warden shall, subject to subsection (6), select the person to perform the

- execution, and the warden or his a designee shall supervise
 the execution. The identity of the executioner must remain
 anonymous. Facts pertaining to the selection and training of
 the executioner must remain confidential.
- 5 (6) An execution carried out by lethal injection must
 6 be performed by a person selected by the warden and trained
 7 to administer the injection. The person administering the
 8 injection need not be a physician, registered nurse, or
 9 licensed practical nurse licensed or registered under the
 10 laws of this or any other state. The warden must shall allow
 11 the execution to be observed by 12 witnesses, 3 of whom may
 12 be designated by the person to be executed.
 - (7) Within 20 days after the execution, the warden shall return the death warrant to the clerk of the court from which it was issued, noting on the warrant the time, mode, and manner in which it was executed."

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- NEW SECTION. Section 2. Applicability. (1) [This act] applies to death sentences imposed for capital crimes committed on or after [the effective date of this act].
- (2) [This act] does not apply to death sentences imposed for capital crimes committed before [the effective date of this act] regardless of the date of conviction or sentencing.
- NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

APPROVED BY COMMITTEE ON JUDICIARY

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2	INTRODUCED BY	Deck		<u> </u>	

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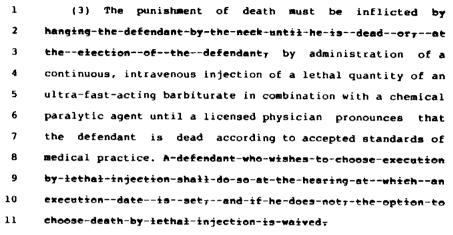
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 - (7) Within 20 days after the execution, the warden shall return the death warrant to the clerk of the court from which it was issued, noting on the warrant the time; mode; and manner in which it was executed."
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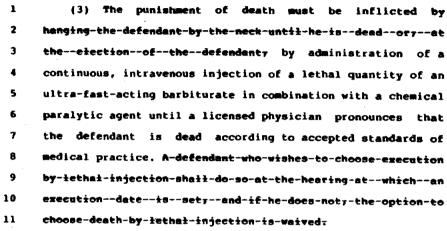
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