

SENATE BILL No. 95

By Committee on Ways and Means

2-5

1 AN ACT concerning criminal procedure; relating to carrying out a
2 sentence of death; transferring certain duties from the secretary of
3 health and environment to the state board of pharmacy and state board
4 of healing arts; amending K.S.A. 22-4001 and repealing the existing
5 section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 22-4001 is hereby amended to read as follows: 22-
9 4001. (a) The mode of carrying out a sentence of death in this state shall be
10 by intravenous injection of a substance or substances in a quantity
11 sufficient to cause death in a swift and humane manner.

12 (b) The secretary of corrections shall supervise the carrying out of
13 each sentence of death and shall determine the procedures therefor, which
14 shall be consistent with this act and the other laws of the state. The
15 secretary of corrections shall designate one or more executioners and other
16 persons necessary to assist in carrying out the sentence of death as
17 provided in this section. The identity of executioners and other persons
18 designated to assist in carrying out the sentence of death shall be
19 confidential.

20 (c) The secretary of corrections shall select the type of substance or
21 substances to be administered in carrying out a sentence of death by
22 intravenous injection in a swift and humane manner. ~~The secretary of~~
23 ~~health and environment~~ *state board of pharmacy and state board of*
24 *healing arts* shall certify to the secretary of corrections that the substance
25 or substances selected by the secretary of corrections will result in death in
26 a swift and humane manner. If the secretary of corrections desires to
27 change the substance or substances to be administered from those
28 previously certified by the ~~secretary of health and environment~~ *state board*
29 *of pharmacy and state board of healing arts*, the proposed substance or
30 substances also shall be certified as provided in this section. *All*
31 *certifications provided pursuant to this section shall be open public*
32 *records and shall be posted on the official website of the department of*
33 *corrections.*

34 (d) The secretary of corrections may designate in writing a warden of
35 one of the correctional institutions under the secretary's supervision to
36 perform the duties imposed upon the secretary by this section and by

- 1 K.S.A. 22-4002, 22-4003, 22-4013 and 22-4014, and amendments thereto.
- 2 Sec. 2. K.S.A. 22-4001 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.