SENATE BILL No. 96

By Committee on Ways and Means

2-5

AN ACT concerning criminal procedure; relating to carrying out a sentence of death; inspections of areas in a state correctional facility designated by the secretary of corrections for use in carrying out a sentence of death; amending K.S.A. 22-4002 and repealing the existing section.

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

Section 1. K.S.A. 22-4002 is hereby amended to read as follows: 22-4002. (a) When any person is sentenced to death, the punishment shall be inflicted at a state correctional facility designated by the secretary of corrections, under the supervision of the secretary of corrections or the warden designated by the secretary and in such a manner as to exclude the view of all persons except those permitted to be present as provided in K.S.A. 22-4003, and amendments thereto.

- (b) (1) On or before July 1, 2020, the secretary of health environment, after consultation with the secretary of corrections, shall adopt rules and regulations pertaining to the areas of the state correctional facility designated pursuant to subsection (a) for use in carrying out a sentence of death. At a minimum, these rules and regulations shall prescribe standards for the following, as necessary to carry out a sentence of death by intravenous injection in a swift and humane manner: Sanitation, housekeeping, maintenance, staff qualifications, supplies, equipment and procedures.
- (2) On and after January 1, 2021, at least once each calendar year, the secretary of health and environment shall inspect the areas of the state correctional facility designated pursuant to subsection (a) for use in carrying out a sentence of death. For that purpose, authorized agents of the secretary of health and environment shall have access to the state correctional facility during regular business hours of the department of corrections.
 - Sec. 2. K.S.A. 22-4002 is hereby repealed.
- Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.