

Superseded 5/12/2015

77-18-5.5 Judgment of death -- Method is lethal injection -- Exceptions for use of firing squad.

- (1) When a defendant is convicted of a capital felony and the judgment of death has been imposed, lethal intravenous injection is the method of execution.
- (2) Subsection (1) applies to any defendant sentenced to death on or after May 3, 2004.
- (3) If a court holds that a defendant has a right to be executed by a firing squad, the method of execution for that defendant shall be a firing squad. This Subsection (3) applies to any defendant whose right to be executed by a firing squad is preserved by that judgment.
- (4)
 - (a) If a court holds that execution by lethal injection is unconstitutional on its face, the method of execution shall be a firing squad.
 - (b) If a court holds that execution by lethal injection is unconstitutional as applied, the method of execution for that defendant shall be a firing squad.