

**Effective 5/12/2015**

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

- (1)
  - (a) 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.
  - (b) Subsection (1)(a) applies to any defendant sentenced to death on or after May 3, 2004, except under Subsections (2), (3), and (4).
- (2) 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 (2) applies to any defendant whose right to be executed by a firing squad is preserved by that judgment.
- (3)
  - (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.
- (4) The method of execution for the defendant is the firing squad if the sentencing court determines the state is unable to lawfully obtain the substance or substances necessary to conduct an execution by lethal intravenous injection 30 or more days prior to the date specified in the warrant issued upon a judgment of death under Section 77-19-6.

Amended by Chapter 47, 2015 General Session