

1                                   **VICTIM REPRESENTATION AT AN**  
2   **EXECUTION**

3   2000 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: D. Edgar Allen**

6 AN ACT RELATING TO CRIMINAL PROCEDURE AND VICTIMS' RIGHTS; PROVIDING  
7 FOR RELATIVES OR REPRESENTATIVES OF THE VICTIM TO BE PRESENT AT THE  
8 EXECUTION OF THE OFFENDER.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11                   **77-19-11**, as last amended by Chapter 113, Laws of Utah 1996

12 *Be it enacted by the Legislature of the state of Utah:*

13                   Section 1. Section **77-19-11** is amended to read:

14                   **77-19-11. Who may be present -- Photographic and recording equipment.**

15                   (1) At the discretion of the executive director of the Department of Corrections or his  
16 designee, the following persons may attend the execution:

17                   (a) the prosecuting attorney, or his designated deputy, of the county in which the defendant  
18 committed the offense for which he is being executed;

19                   (b) no more than two law enforcement officials from the county in which the defendant  
20 committed the offense for which he is being executed;

21                   (c) the attorney general or his designated deputy; [~~and~~]

22                   (d) religious representatives, friends, or relatives designated by the defendant, not  
23 exceeding a total of five persons[~~-~~]; and

24                   (e) relatives or representatives of the victim, not exceeding a total number of two persons.

25                   (2) The persons enumerated in Subsection [~~(2)~~] (1) may not be required to attend, nor may  
26 any of them attend as a matter of right.

27                   (3) The executive director of the department or his designee shall permit the attendance

28 at the execution of a total of nine members of the press and broadcast news media named by the  
29 executive director of the department in accordance with rules of the department, provided that the  
30 selected news media members serve as a pool for other members of the news media as a condition  
31 of attendance.

32 (4) (a) Photographic or recording equipment is not permitted at the execution site until  
33 the execution is completed, the body is removed, and the site has been restored to an orderly  
34 condition. However, the physical arrangements for the execution may not be disturbed.

35 (b) A violation of this Subsection (4) is a class B misdemeanor.

36 (5) All persons in attendance are subject to reasonable search as a condition of attendance.

37 (6) (a) The following persons may also attend the execution:

38 (i) staff as determined necessary for the execution by the executive director of the  
39 department or his designee; and

40 (ii) no more than three correctional officials from other states that are preparing for  
41 executions, but no more than two correctional officials may be from any one state, as designated  
42 by the executive director of the department or his designee.

43 (b) Any person younger than 18 years of age may not attend.

44 (7) The department shall adopt rules governing the attendance of persons at the execution  
45 in accordance with this section.

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**Legislative Review Note**  
**as of 1-26-00 2:44 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**