



## UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114 • (801) 538-1035 • FAX (801) 538-1414

February 6, 2004

Mr. President:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 180**, DEATH PENALTY PROVISIONS, by Representative S. Allen, with the following amendments:

1. *Page 1, Lines 7 through 8*

*House Floor Amendments*

*1-26-2004:*

7 **General Description:**

8 This bill repeals use of a firing squad as a means of carrying out the death penalty , except in specified situations .

2. *Page 1, Lines 9 through 14b*

*House Floor Amendments*

*1-26-2004:*

9 **Highlighted Provisions:**

10 This bill:

11 ▶ repeals references to the use of a firing squad, [~~and makes the repeal retroactive; h [and] h~~

12 —▶ ~~makes provision for the possibility that the retroactive provision is~~

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**ruled**

13 **unconstitutional, in which case the defendant who has selected the firing squad may**  
14 **be so executed <sup>h</sup>; AND**  
14a **—→ PROVIDES FOR EXECUTION BY FIRING SQUAD IF-]] unless EXECUTION BY**  
**LETHAL INJECTION IS**  
14b **FOUND TO BE UNCONSTITUTIONAL <sup>h</sup> .**

3. *Page 2, Line 33:*

33 **competent court in executing a penalty of death under Subsection**  
**[[~~77-18-5.5(4)~~]] 77-18-5.5(3) or (4) ;**

4. *Page 2, Line 46:*

46 **77-18-5.5. Judgment of death -- [[~~Defendant to select method -- Time~~**  
**of selection-]] Method is lethal injection -- Exceptions for use of firing**  
**squad .**

5. *Page 2, Line 52 through Page 3, Line 62:*

52 **(2) Subsection (1) applies to [[~~;~~**  
53 **~~(a)~~]] any defendant sentenced to death on or after the effective date of**  
**this act [[~~;~~ and**  
54 **~~(b)~~ any defendant sentenced to death prior to the effective date of this**  
**act, whether or**  
55 **not that defendant previously chose a different method of execution-]] .**  
56 **[[~~(3) (a)~~ If on the effective date of this act any death warrant issued**  
**under Section**  
57 **77-19-6 specifying the method of execution as a firing squad is pending, the**  
**court shall issue**  
58 **another warrant specifying that the method is lethal intravenous injection:**  
59 **~~(b)~~ If a defendant has previously selected a firing squad as the method of**

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execution and  
60 no death warrant is pending, the court, upon issuing a death warrant, shall  
specify that the  
61 method is lethal intravenous injection.  
62 ~~— (4) Notwithstanding Subsection (3), if ]~~  
(3) If a h [final judgment] COURT h holds that a defendant

6. *Page 3, Line 64a*

*House Floor Amendments*

*1-26-2004:*

64a SHALL BE h a firing squad. This Subsection ~~[[(-4)-]]~~ (3) applies to

7. *Page 3, Line 65a*

*House Floor Amendments*

*1-26-2004:*

65a h ~~[[(-5)-]]~~ (4) (a) IF A COURT HOLDS THAT EXECUTION BY LETHAL  
INJECTION IS

8. *Page 3, Lines 75 through 77*

*House Floor Amendments*

*1-26-2004:*

75 (2) The warrant shall state the conviction, the judgment, the method of  
execution, ~~[[-~~  
76 which is lethal injection except under Subsection 77-18-5.5(4) ]] and the  
appointed day the  
77 judgment is to be executed, which may not be fewer than 30 days nor more  
than 60 days from

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9. Page 4, Lines 95 through 96:

- 95           **(3) If the judgment of death is to be carried out by firing squad under**  
                  **Subsection**
- 96 **[[~~77-18-5.5(4)~~] 77-18-5.5(3) or(4) , the executive director of the department**  
                  **or his designee shall select a five-person**

10. Page 4, Line 99:

- 99   **intravenous injections and for members of a firing squad under Subsection**  
          **[[~~77-18-5.5(4)~~] 77-18-5.5(3) or(4) shall**

Respectfully,

James Evans  
Committee Chair

Voting: 5-0-3

3 HB0180.SCI.WPD jwride/MDA SCA/JM1 2/6/04 9:30 am

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