

H.B. 180

DEATH PENALTY PROVISIONS

Representative **Michael T. Morley** proposes the following amendments:

1. *Page 1, Line 11:*

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

2. *Page 1, Line 14:*

14 be so executed ; and
 ▶ provides for execution by firing squad if execution by lethal injection is found to be unconstitutional .

3. *Page 3, Lines 62 through 64:*

62 (4) Notwithstanding Subsection (3), if a ~~[[final judgment]]~~ court holds that a defendant has a
63 right to be executed by a firing squad, the ~~[[court shall issue another death warrant under Section~~
64 ~~77-19-6 specifying the method of execution as]]~~ method of execution for that defendant shall be a
 firing squad. This Subsection (4) applies to

4. *Page 3, Line 65:*

65 any defendant whose right to be executed by a firing squad is preserved by that ~~[[final]]~~ judgment.
 (5)(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.