

S.B. 49

COMPETENCY TO BE EXECUTED - AMENDMENTS

Senator **David L. Gladwell** proposes the following amendments:

1. *Page 1, Line 22:*

- 22 ▶ provides for treatment for the inmate;
 ▶ provides the scope of appropriate mental health treatment, including the use of psychoactive medication;

2. *Page 4, Lines 90 through 93:*

- 90 condition, an inmate is unaware of either the punishment he is about to suffer or why he is to suffer
91 it. ~~[[~~
91 ~~—— (1) of the fact of the inmate's impending execution; or~~
92 ~~—— (2) that the inmate is to be executed for the murder or murders for which he was~~
93 ~~sentenced to death.]]~~

3. *Page 4, Line 119:*

- 119 drawing of the warrant ~~[[, at an hour determined by the Department of Corrections]]~~ .

4. *Page 5, Line 129:*

- 129 warrant ~~[[, at an hour determined by the Department of Corrections]]~~ .
(4) The Department of Corrections shall determine the hour, within the appointed day, at which the judgment is to be executed.

5. *Page 8, Line 235:*

- 235 (1)(a) (i) If after the hearing under Section 77-19-204 the inmate is found to be

6. *Page 8, Line 237:*

- 237 receive appropriate mental health treatment.
(ii) Appropriate mental health treatment under Subsection (1)(a)(i) does not include the forcible administration of psychoactive medication for the sole purpose of restoring the inmate's competency to be executed.

7. *Page 9, Line 272:*

272 (b) (i) If the court determines the inmate is still incompetent to be executed, the inmate

8. Page 9, Line 275 through Page 10, Line 276:

275 competency to be executed.

(ii) Continued appropriate mental health treatment under Subsection (1)(a)(i) does not include the forcible administration of psychoactive medication for the sole purpose of restoring the inmate's competency to be executed.

276 (6) (a) If at any time the clinical director of the Utah State Hospital or the primary