



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2908

Introduced 2/22/2005, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

725 ILCS 5/119-5

from Ch. 38, par. 119-5

Amends the Code of Criminal Procedure of 1963. Makes a technical change in a Section concerning to the execution of a death sentence.

LRB094 05413 RLC 35458 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 119-5 as follows:

6 (725 ILCS 5/119-5) (from Ch. 38, par. 119-5)

7 Sec. 119-5. Execution of Death Sentence.

8 (a) (1) A defendant sentenced to death shall be executed by
9 an intravenous administration of a lethal quantity of an
10 ultrashort-acting barbiturate in combination with a
11 chemical paralytic agent and ~~and~~ potassium chloride or
12 other equally effective substances sufficient to cause
13 death until death is pronounced by a coroner who is not a
14 licensed physician.

15 (2) If the execution of the sentence of death as
16 provided in paragraph (1) is held illegal or
17 unconstitutional by a reviewing court of competent
18 jurisdiction, the sentence of death shall be carried out by
19 electrocution.

20 (b) In pronouncing the sentence of death the court shall
21 set the date of the execution which shall be not less than 60
22 nor more than 90 days from the date sentence is pronounced.

23 (c) A sentence of death shall be executed at a Department
24 of Corrections facility.

25 (d) The warden of the penitentiary shall supervise such
26 execution, which shall be conducted in the presence of 6
27 witnesses who shall certify the execution of the sentence. The
28 certification shall be filed with the clerk of the court that
29 imposed the sentence.

30 (d-5) The Department of Corrections shall not request,
31 require, or allow a health care practitioner licensed in
32 Illinois, including but not limited to physicians and nurses,

1 regardless of employment, to participate in an execution.

2 (e) Except as otherwise provided in this subsection (e),
3 the identity of executioners and other persons who participate
4 or perform ancillary functions in an execution and information
5 contained in records that would identify those persons shall
6 remain confidential, shall not be subject to disclosure, and
7 shall not be admissible as evidence or be discoverable in any
8 action of any kind in any court or before any tribunal, board,
9 agency, or person. In order to protect the confidentiality of
10 persons participating in an execution, the Director of
11 Corrections may direct that the Department make payments in
12 cash for such services. In confidential investigations by the
13 Department of Professional Regulation, the Department of
14 Corrections shall disclose the names and license numbers of
15 health care practitioners participating or performing
16 ancillary functions in an execution to the Department of
17 Professional Regulation and the Department of Professional
18 Regulation shall forward those names and license numbers to the
19 appropriate disciplinary boards.

20 (f) The amendatory changes to this Section made by this
21 amendatory Act of 1991 are severable under Section 1.31 of the
22 Statute on Statutes.

23 (g) (Blank).

24 (h) Notwithstanding any other provision of law, any
25 pharmaceutical supplier is authorized to dispense drugs to the
26 Director of Corrections or his or her designee, without
27 prescription, in order to carry out the provisions of this
28 Section.

29 (i) The amendatory changes to this Section made by this
30 amendatory Act of the 93rd General Assembly are severable under
31 Section 1.31 of the Statute on Statutes.

32 (Source: P.A. 93-379, eff. 7-24-03.)