

1 AN ACT in relation to 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  
9 by an intravenous administration of a lethal quantity of  
10 an ultrashort-acting barbiturate in combination with a  
11 chemical paralytic agent and potassium chloride or other  
12 equally effective substances sufficient to cause death  
13 until death is pronounced by a licensed physician  
14 according to accepted standards of medical practice.

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  
19 by 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  
24 Department 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.  
28 The certification shall be filed with the clerk of the court  
29 that imposed the sentence.

30 (e) The identity of executioners and other persons who  
31 participate or perform ancillary functions in an execution

1 and information contained in records that would identify  
2 those persons shall remain confidential, shall not be subject  
3 to disclosure, and shall not be admissible as evidence or be  
4 discoverable in any action of any kind in any court or before  
5 any tribunal, board, agency, or person. In order to protect  
6 the confidentiality of persons participating in an execution,  
7 the Director of Corrections may direct that the Department  
8 make payments in cash for such services.

9 (f) The amendatory changes to this Section made by this  
10 amendatory Act of 1991 are severable under Section 1.31 of  
11 the Statute on Statutes.

12 (g) Notwithstanding any other provision of law,  
13 assistance, participation in, or the performance of ancillary  
14 or other functions pursuant to this Section, including but  
15 not limited to the administration of the lethal substance or  
16 substances required by this Section, shall not be construed  
17 to constitute the practice of medicine.

18 (h) Notwithstanding any other provision of law, any  
19 pharmacist or pharmaceutical supplier is authorized to  
20 dispense drugs to the Director of Corrections or his or her  
21 designee, without prescription, in order to carry out the  
22 provisions of this Section.

23 (i) Notwithstanding any other provision of law, no  
24 execution of a defendant may take place for 5 years from the  
25 effective date of this amendatory Act of the 92nd General  
26 Assembly.

27 (Source: P.A. 89-8, eff. 3-21-95.)

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.