

AN ACT concerning executions.

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

Section 5. The Medical Practice Act of 1987 is amended
by changing Section 4 as follows:

(225 ILCS 60/4) (from Ch. 111, par. 4400-4)

Sec. 4. Exemptions.

(a) This Act does not apply to the following:

(1) persons lawfully carrying on their particular
profession or business under any valid existing
regulatory Act of this State;

(2) persons rendering gratuitous services in cases
of emergency; or

(3) persons treating human ailments by prayer or
spiritual means as an exercise or enjoyment of religious
freedom.

(b) (Blank) ~~Section 22 of this Act does not apply to
persons who carry out or assist in the implementation of a
court order effecting the provisions of Section 119-5 of the
Code of Criminal Procedure of 1963.~~

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

Section 10. The Code of Criminal Procedure of 1963 is
amended by changing Section 119-5 as follows:

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

Sec. 119-5. Execution of Death Sentence.

(a)(1) A defendant sentenced to death shall be executed
by an intravenous administration of a lethal quantity of
an ultrashort-acting barbiturate in combination with a
chemical paralytic agent and potassium chloride or other

equally effective substances sufficient to cause death until death is pronounced by a coroner who is not a licensed physician according--to--accepted--standards--of medical-practice.

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

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

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

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

(d-5) The Department of Corrections shall not request, require, or allow a health care practitioner licensed in Illinois, including but not limited to physicians and nurses, regardless of employment, to participate in an execution.

(e) Except as otherwise provided in this subsection (e), the identity of executioners and other persons who participate or perform ancillary functions in an execution and information contained in records that would identify those persons shall remain confidential, shall not be subject to disclosure, and shall not be admissible as evidence or be discoverable in any action of any kind in any court or before any tribunal, board, agency, or person. In order to protect the confidentiality of persons participating in an execution, the Director of Corrections may direct that the Department make payments in cash for such services. In confidential

investigations by the Department of Professional Regulation, the Department of Corrections shall disclose the names and license numbers of health care practitioners participating or performing ancillary functions in an execution to the Department of Professional Regulation and the Department of Professional Regulation shall forward those names and license numbers to the appropriate disciplinary boards.

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

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

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

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

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

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