

Exhibit 42



Search Correction (ex:



Media Advisory

Thursday, May 22, 2025 | 10:52am

NASHVILLE – Today, by order of the Tennessee Supreme Court, the Department of Correction carried out the death sentence of Oscar Franklin Smith by means of lethal injection at the Riverbend Maximum Security Institution. Inmate Smith was pronounced dead at 10:47 a.m. CDT.

Included are photos of the victims, and the statement from the victims' family.

Statement on behalf of the family of Judy, Chad and Jason:

Mike Robirds and Terri Osborne: (Brother and Sister of Judy Robirds; Uncle and Aunt of Chad and Jason)

On behalf of our family, we want to express our deepest gratitude to the investigators, law enforcement officers, and everyone within the judicial system who worked tirelessly to seek justice for our sister, Judy, and two nephews, Chad and Jason. Your dedication and commitment during this unimaginably difficult time have meant more to us than words can truly convey.

Oscar Franklin Smith was tried and sentenced to the death penalty by the State of Tennessee, after a jury's careful deliberation, based upon the brutality of three murders that included two children. As the family of the victims, we believe in the importance of accountability and the role the justice system plays in maintaining the safety and order of our society. The sentence was not ours to determine, but we stand by the legal system that made the decision.

The pain of losing Judy, Chad, and Jason is something we will continue to carry. Not a moment goes by that we don't miss them. We miss the sound of Judy's voice on the other end of the phone. We miss the excitement of planning Chad's driving lessons. And we miss the pure joy of hearing Jason's laughter. These are both memories and wounds that never fully heal. Through our heartbreak, we are reminded of the devastating consequences of domestic violence. This tragedy is not only a personal loss—it is part of a much larger issue that affects countless families across our society. Domestic violence destroys lives.

We hope that sharing our story helps others recognize the warning signs and dangers involved, especially for the children. For those who may be living in fear or in the grip of abuse, please know that you are not alone. There are people and resources out there who care and who can help. We know it is incredibly hard to leave—but pray that this case becomes a call to action, encouraging those in danger to seek help before it's too late. We also pray that more resources and support will be made available to those who need that helping hand.

No one should have to live in fear, and no family should have to endure a loss like ours.



Exhibit 43



Search Correction (ex:



Media Advisory

Tuesday, August 05, 2025 | 10:45am

NASHVILLE – Following a U.S. Supreme Court ruling and upon consultation with the Tennessee Attorney General's Office, the Governor determined that it was lawful to carry out the jury's sentence of death given to Mr. Black.

Therefore, today, by order of the Tennessee Supreme Court, the Department of Correction carried out the death sentence of Byron Lewis Black by means of lethal injection at the Riverbend Maximum Security Institution. Inmate Black was pronounced dead at 10:43 a.m. CDT.



Statement from victim's Family

I thank god for this day. A day that was a long time coming. 37 years is too long and it's not our fault. He got to take that up with the master, the redeemer. He brought this on himself.

I am thankful and grateful to see this day. The load and burden that has been lifted off our hearts. Not just me, but my family with me. I thank God for making this happen.

His family is going through the same thing now we went through 37 years ago. I can't say I'm sorry because we never got an apology. He never apologized and he never admitted it, even on his dying bed, he took it to his grave with him. And he knows he did it.

And this is closure for my family, my sister, and her two daughters can finally rest in peace.

Compiled Exhibit 44

L A W S
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF PENNSYLVANIA,
PASSED AT THE
SESSION 1833-34.
IN THE
FIFTY-EIGHTH YEAR OF INDEPENDENCE.



PUBLISHED BY AUTHORITY.

HARRISBURG:
PRINTED BY HENRY WELSH.

1834

No. 126.

A SUPPLEMENT

To the act entitled "An act authorizing the Governor to incorporate the Warren and Ridgway turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be and he is hereby authorized and required to subscribe five thousand dollars in shares of twenty-five dollars each, to the stock of the Warren and Ridgway turnpike road company, and as soon as any five miles of the road shall be completed, it shall be the duty of the Governor to draw his warrant on the State Treasurer for a sum in proportion to the whole distance, and a like sum for every five miles until the whole sum shall be drawn: *Provided,* That previous to any payments from the treasury, satisfactory evidence shall be furnished to the Governor that sums, equal at least, in amount to the sums drawn from the treasury, shall have been paid by individual stockholders and expended agreeably to the provisions of the twelfth section of the act incorporating the said turnpike road company, passed the thirtieth day of March, one thousand eight hundred and thirty-one: *And provided further,* That there shall not be more than twenty-five hundred dollars of the aforesaid sum of five thousand dollars drawn from the State treasury in any one year.

\$5000 appropriated.

Proviso.

2d proviso.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.

No. 127.

AN ACT

To abolish public executions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever hereafter any person shall be con-

denmed to suffer death by hanging for any crime of which he or she shall have been convicted, the said punishment shall be inflicted on him or her within the walls or yard of the jail of the county in which he or she shall have been convicted; and it shall be the duty of the sheriff or coroner of the said county to attend and be present at such execution, to which he shall invite the presence of a physician, attorney general or deputy attorney general of the county and twelve reputable citizens, who shall be selected by the sheriff; and the said sheriff shall, at the request of the criminal, permit such ministers of the gospel, not exceeding two, as he or she may name and any of his or her immediate relatives to attend and be present at such execution, together with such officers of the prison and such of the sheriff's deputies as the said sheriff or coroner in his discretion may think it expedient to have present, and it shall be only permitted to the persons above designated to witness the said execution: *Provided,*

Provided, That no person under age shall be permitted on any account to witness the same. *No minor to be present.*

SECTION 2. After the execution, the said sheriff or coroner shall make oath or affirmation in writing, that he proceeded to execute the said criminal within the walls or yard aforesaid at the time designated by the death warrant of the Governor, and the same shall be filed in the office of the clerk of the court of Oyer and Terminer of the aforesaid county, and a copy thereof published in two or more newspapers, one at least of which shall be printed in the county where the execution took place.

WM. PATTERSON,

• *Speaker of the House of Representatives.*

JACOB KERN,

Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.

No. 128.

AN ACT

To erect Ligonier and New Alexandria, in the county Westmoreland, into Boroughs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Ligonier, in the county of Westmoreland, shall be, and the same is hereby erected into a borough,

L A W S
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FIFTY-EIGHTH SESSION
OF THE
LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY,
THE SIXTH DAY OF JANUARY, 1835.



ALBANY:
PRINTED BY E. CROSWELL, PRINTER TO THE STATE,
FOR
WM. & A. GOULD & CO. ALBANY,
AND
GOULD, BANKS & CO. LAW BOOKSELLERS, NEW-YORK.
.....
1835.

CHAP. 258.

AN ACT to abolish public executions.

Passed May 9, 1835.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. Whenever any person shall be condemned to suffer death for any crime of which such person shall have been convicted in any court of this state, such punishment shall be inflicted within the walls of the prison of the county in which such conviction shall have taken place, or within a yard or enclosure adjoining said prison. Executions to be within prison.

§ 2. It shall be the duty of the sheriff or under sheriff of the county, to be present at such execution, and to invite the presence, by at least three days' previous notice, of the judges, district attorney, clerk and surrogate of said county, together with two physicians and twelve reputable citizens, to be selected by said sheriff or under sheriff: And the said sheriff or under sheriff shall, at the request of the criminal, permit such minister or ministers of the gospel, not exceeding two, as said criminal shall name, and any of the immediate relatives of said criminal, to attend and be present at such execution; and also such officers of the prison, deputies and constables as said sheriff or under sheriff shall deem expedient to have present; but no other persons than those herein mentioned shall be permitted to be present at such execution, nor shall any person under age be allowed to witness the same. Persons to be invited by sheriff at executions.

§ 3. The sheriff or under sheriff and judges attending such execution, shall prepare and sign, officially, a certificate setting forth the time and place thereof, and that such criminal was then and there executed in conformity to the sentence of the court and the provisions of this act; and shall procure to said certificate the signatures of the other public officers and persons, not relatives of the criminal, who witnessed such execution: And the sheriff or under sheriff shall cause such certificate to be filed in the office of the clerk of said county, and a copy thereof to be published in the state paper, and in one newspaper, if any, printed in said county. Certificate to be made.

§ 4. Such parts of the Revised Statutes and laws of this state as are inconsistent with this act, are hereby repealed. Parts of R. S. to be repealed.

L A W S

OF THE

STATE OF NEW-HAMPSHIRE;

PASSED

NOVEMBER SESSION, 1836.

PUBLISHED BY CYRUS BARTON--FOR THE STATE.

1837.

A. D. 1836.

Jefferson, ninety six cents,	0 96
Gorham, twenty six cents,	0 26
Jackson, one dollar,	1 00
Kilkenny, twelve cents,	0 12
Low & Burbank's Grant, four cents,	0 04
Lancaster, three dollars sixty six cents,	3 66
Milan, seventy cents,	0 70
Millsfield, twelve cents,	0 12
Northumberland, one dollar twenty six cents,	1 26
Nash & Sawyer's Location, six cents,	0 06
Odell's Township, ten cents,	0 10
Pinkham's Grant, two cents,	0 02
Randolph, twenty nine cents,	0 29
Stark, seventy two cents,	0 72
Stratford, one dollar thirty cents,	1 30
Shelburne, ninety cents,	0 90
Stewartstown, one dollar thirty cents,	1 30
Success, twenty cents,	0 20
Whitefield, one dollar sixty eight cents,	1 68
Wentworth's Location, six cents,	0 06
Second College Grant, five cents,	0 05
Grant to Gilmanton and Atkinson Academies, six cents,	0 06
Land granted to Timothy Dix, Esq., six cents,	0 06
	<hr/>
	23 00

SEC. 2. *And be it further enacted,* That the same shall be the proportion of the assessment of all public taxes until a new proportion shall be made and established, and that the Treasurer for the time being issue his warrants accordingly.

Approved, January 13, 1837.

CHAPTER CCLXXIII.

AN ACT in addition to an act for the punishment of certain crimes.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That all murder hereafter committed by poison, starving, torture, or other

deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate arson, rape, robbery, or burglary, may be murder of the first degree; and all other murder shall be of the second degree. Every Jury who shall find any person guilty of murder, hereafter committed, shall also find by their verdict, whether it is of the first or second degree. If any person shall plead guilty to an indictment for murder hereafter committed, the Justices of the Court having cognizance of the indictment shall determine the degree.

A. D. 1836.

Murder of the first degree. Second degree.

SEC. 2. *And be it further enacted,* That if any person shall commit the crime of murder in the first degree, such person shall, on conviction thereof suffer death, and if any person shall commit the crime of murder in the second degree, such person shall, on conviction thereof be punished by solitary imprisonment not exceeding three years, and by confinement to hard labor for life.

Punishment.

SEC. 3. *And be it further enacted,* That if any person shall commit the crime of Treason against this State, such person shall, on conviction thereof be punished by solitary imprisonment not exceeding three years, and by confinement to hard labor for life.

Punishment of treason.

SEC. 4. *And be it further enacted,* That if any person shall be convicted of any crime the punishment of which is by law solitary imprisonment and confinement to hard labor for life, and shall be imprisoned in pursuance of sentence, on such conviction all contracts of whatever nature to which such person shall be a party, shall be affected, changed or annulled in the same manner as they severally would have been by such person's death. The bonds of matrimony to which such person shall be a party shall be dissolved, and such person shall cease to have any title to or interest in any estate, real or personal, and the same shall be treated, disposed of, and descend in all respects as if the death of such person had taken place at the time of such imprisonment, and all power and authority of whatever nature which such person might lawfully exercise over any other person or persons, shall thenceforth cease as if such person were dead;—and the Judge of Probate shall grant administration accordingly on petition therefor.

Civil death of persons imprisoned for life.

SEC. 5. *And be it further enacted,* That whenever the sentence of death shall be executed, it shall be within the walls of a prison in the County, in which the person, on whom the sen-

Execution within the prison walls.

A. D. 1836.

Sheriff and other officers to be present.

tence of death shall be executed, shall have been convicted, or within the enclosed yard of such prison. The sheriff of the same County shall be present at the execution unless prevented by sickness or other unavoidable casualty. Two of his deputies, to be designated by him, shall also be present. He shall have authority to require the attendance and aid of such other deputies, constables, officers of the prison, military guard and assistants, as he shall see fit. He shall request the presence of the Attorney General, or Solicitor, Clerk or Clerks of the Courts in said County, and other reputable citizens, not exceeding twelve, including a physician or surgeon, the relations of the convict, his counsel, and such ministers of the gospel as he may desire; but no other person, except such as are hereinbefore mentioned, shall be allowed to be present.

Repeal.

SEC. 6. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved, January 13, 1837.

CHAPTER CCLXXIV.

AN ACT in addition to an act entitled an act for the punishment of idle and disorderly persons and for the support and maintenance of the poor, passed December 16, 1828.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened*, That when the Selectmen or overseers of the poor in any town in this State shall relieve and maintain any poor person, when such town is not by law chargeable with the maintenance of such poor person and shall have once notified the town or person or persons chargeable with the maintenance of such poor person according to the provisions of the eleventh section of the act to which this is in addition, such notice shall be taken and deemed sufficient to charge the town or person or persons, so chargeable for any relief furnished as aforesaid; and also for any such further relief furnished within one year thereafter without any new notice, any thing in said eleventh section contained to the contrary notwithstanding.

Sufficiency of notice to towns or persons chargeable.

Approved, January 13, 1837.

ACTS OF A GENERAL NATURE,

PASSED BY THE

FORTY SECOND GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS;

DECEMBER 4, 1843.

AND

IN THE FORTY SECOND YEAR OF SAID STATE.

VOL. XLII.

COLUMBUS:

SAMUEL MEDARY, STATE PRINTER.

1844.

AN ACT

Supplementary to the act entitled "An act for the inspection of Salt," passed February 3, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the inspectors of salt at the city of Cincinnati, in the county of Hamilton, at Portsmouth, in the county of Scioto, and at such other places as the inspectors of salt may hereafter be appointed in this state, shall regulate the tare of barrels as follows:—all barrels weighing less than three hundred pounds shall be tared at thirty pounds; all barrels weighing over three hundred and less than four hundred, shall be tared thirty five pounds; and all barrels weighing over four hundred pounds shall be tared forty pounds.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To abolish public executions.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter when any person shall be sentenced by the supreme court or court of common pleas of this state, to be hung, such punishment shall be inflicted in the immediate vicinity of the jail, within an inclosure to be prepared for that purpose, under the direction of the sheriff, which inclosure shall be higher than the gallows, and so constructed as to exclude the view of persons outside thereof.

Punishment to be inflicted within an inclosure.

SEC. 2. That, besides the prisoner, the sheriff, and his assistants, the following persons may be present within the inclosure at the time of the execution, and none others:—the judges of the court of common pleas of the county, the county officers of the county, the clergymen in attendance upon the prisoner, such other persons as the prisoner may designate, not exceeding three in number, and such other persons as the sheriff may designate, not exceeding six in number. No other person shall be allowed to witness such execution.

Persons admitted within, &c.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT

A SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY THE FIFTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD,

ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE.

AND OF THE

INDEPENDENCE OF THE UNITED STATES

THE SEVENTY-THIRD.

BY AUTHORITY.

DOVER, DELAWARE,

S. KIMMEY, PRINTER.

1849.

Proviso. debt: *Provided*, that if any swine belonging to any person or persons residing without the limits aforesaid, shall at any period after the said first day of April next, be found running at large within the aforesaid limits and be taken up then and in all such cases they shall be returned to the owner or owners thereof, for which the person so taking up and restoring, shall be entitled to receive from the owner or owners thereof, twenty-five cents for every swine so taken up and restored as aforesaid.

Passed at Dover, February 24, 1849.



CHAPTER CCCLXXIII.

AN ACT to authorize the present and future owner or owners of the bridge across Nanticoke river at Seaford, to demand and recover higher tolls on foot passengers.

Toll on foot passengers may be increased. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That from and after the passage of this act Hugh Martin, the present owner of the bridge across Nanticoke river with the real estate belonging thereto, and his heirs and assigns, be and they are hereby authorized to demand and receive not exceeding two cents toll or pontage from each and every foot passenger that shall or may cross the said bridge.

Passed at Dover, February 24, 1849.



CHAPTER CCCLXXIV.

AN ACT concerning the execution of criminals.

Capital executions to be private. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That in every case where by the laws of the State and the judgment of the Court of Oyer and Terminer, the sentence of death is to be inflicted on any convict or convicts, that the same shall be executed within the precincts of prison enclosures and as privately as the nature of

the case will admit of in the county where such criminal or criminals shall be convicted.

SEC. 2. *And be it further enacted by the authority aforesaid, That* Sheriff to it shall and may be lawful for the sheriff of the county where such summon jury execution or executions are to be had, and he is hereby required &c. and directed to summon twelve good and lawful men of his bailiwick, as a jury to witness such execution or executions, and to request the attendance of such other persons as he may deem proper to invite.

SEC. 3. *Be it further enacted by the authority aforesaid, That* each Fee of juror; juryman so summoned shall be entitled to receive for his attend- how paid. ance one dollar, to be paid by the treasurer of the county where he is summoned, in the same manner that the fees for jurors attending the courts of the county are paid.

SEC. 4. *Be it further enacted by the authority aforesaid, That* Sheriff's fee the sheriff, for every jury so summoned by him, shall be allowed for summon- the same fees for such service as are now allowed to him for summon- ing jury. moning jurors to the Court of General Sessions of the Peace.

SEC. 5. *Be it further enacted by the authority aforesaid, That* all Repeal of in- acts and parts of acts inconsistent with this act be and the same consistent acts. are hereby repealed.

Passed at Dover, February 24, 1849.



CHAPTER CCCLXXV.

AN ACT to create an additional school district in Sussex county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* James Commission- F. Martin, Thomas Robinson of A., and Benjamin Warrington, all ers— of Sussex county and State of Delaware, be and they are hereby appointed commissioners under this act, and they or a majority of them are hereby authorized as soon as convenient after the passing of this act, to take with them a skillful and impartial surveyor, (if by them it should be deemed necessary,) to go upon the lands embraced within the limits of school districts, Nos. 19, 20, 21, and 22, in Sussex county aforesaid, and divide the said lands so em- to lay off new district. braced in said districts into five equal parts, or in such a manner as they or a majority of them may think most conducive to the interest of the citizens of said districts for the purpose of education,

THE

STATUTES OF CALIFORNIA,

PASSED AT THE

NINTH SESSION OF THE LEGISLATURE.

1858.

BEGUN ON MONDAY, THE FOURTH DAY OF JANUARY, AND ENDED ON MONDAY,
THE TWENTY-SIXTH DAY OF APRIL.



SACRAMENTO:

JOHN O'MEARA, STATE PRINTER.

1858.

CHAP. CCXXIX.—*An Act amendatory of an Act entitled "An Act fixing the Salaries of the County Judge and of the District Attorney of the County of Tulare," approved April sixteenth, one thousand eight hundred and fifty-six.*

[Approved April 21, 1858.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Salary of
district att'y

SECTION 1. Section two of the act approved April sixteenth, one thousand eight hundred and fifty-six, fixing the salaries of the county judge and of the district attorney of the county of Tulare, is hereby amended so as to read as follows :

Section two—The salary of the district attorney of Tulare county shall be five hundred dollars per annum.

CHAP. CCXXX.—*An Act to audit the Claim of G. Elliot and Cook and Cofran.*

[Approved April 21, 1858.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Claim
allowed.

SECTION 1. The claim of G. Elliot and Cook and Cofran, for brick furnished the state prison in the month of June, one thousand eight hundred and fifty-five, the sum of twenty-five hundred dollars, is hereby audited and allowed ; *Provided*, that they, the said G. Elliot and Cook and Cofran, surrender to the Treasurer of State, Controller's warrants numbered from six hundred and thirty-six to six hundred and forty, inclusive, issued the fourth day of December, one thousand eight hundred and fifty-five, and the same to be canceled by the Secretary, Controller, and Treasurer of State.

CHAP. CCXXXI.—*An Act to abolish Public Executions.*

[Approved April 21, 1858.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Death penal-
ty executed
privately.

SECTION 1. That whenever, hereafter, any person shall be condemned to suffer death, for any crime of which such person shall have been convicted, the said punishment shall be inflicted on such person within the walls or yard of the jail, or some convenient private place in the county in which such person shall have been convicted ; and it shall be the duty of the sheriff of said county to attend and be present at such execution, to which he shall invite the presence of a physician, the district attorney of said county, and twelve respectable citizens, unless, in his discretion, a larger number be necessary, who shall be selected by the sheriff, and the said sheriff shall, at the request of the crimi-

Persons
present.

nal, permit such ministers of the gospel, not exceeding two, as such person may name, and any of such persons, relatives, or friends, not to exceed five, to attend and be present at such execution, together with such officers of the prison, and such of the sheriff's deputies, as the said sheriff may think expedient, to witness said execution; *Provided*, that no person under lawful age shall be permitted, on any account, to witness said execution.

SEC. 2. After the execution, the sheriff shall make a return upon the death warrant, setting forth particularly that said warrant has been executed according to law. Return upon warrant.

SEC. 3. This act shall take effect, and be in force, from and after the first day of July, A. D. eighteen hundred and fifty-eight.

CHAP. CCXXXII.—*An Act to prohibit the Collection of Accounts for Liquors sold at retail.*

[Approved April 21, 1858.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The purchase of, or the sale and delivery of any spirituous or malt liquors, wine or cider, by retail, or by the drink, is hereby declared to be an invalid consideration for any promise to pay, or assumpsit of account therefor, when the amount of such account or demand exceeds five dollars. Liquor acc'ts invalid.

SEC. 2. No court shall, in any action at law, render judgment for a greater amount than five dollars, for the sale, at retail or by the drink, of any spirituous or malt liquors, wine or cider, together with costs. Judgment.

SEC. 3. This act shall take effect, and be in force, from and after the first day of June, one thousand eight hundred and fifty-eight; *Provided*, nothing in this act shall be so construed as to affect, in any manner, debts contracted prior to said first [day of] June, one thousand eight hundred and fifty-eight. Take effect. Proviso.

CHAP. CCXXXIII.—*An Act to authorize the Funding of the Unfunded Debt of the City of San José, and to provide for the payment of the same.*

[Approved April 21, 1858.]

Whereas, A portion of the debt of the city of San José, which was authorized to be funded by said city by an act approved April nineteenth, A. D. one thousand eight hundred and fifty-six, authorizing the funding of the debt of the city of San José, and to provide for the payment of the same, was not funded; *And, whereas*, the creditors of said city are desirous of funding the said unfunded debt; therefore, Preamble.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city of San José is hereby authorized and

L A W S
OF THE
TERRITORY OF KANSAS,

PASSED AT THE THIRD AND FOURTH SESSIONS

OF THE
LEGISLATIVE ASSEMBLY;

THE THIRD SESSION

HELD AT THE CITY OF LECOMPTON, DECEMBER, 1857.

THE FOURTH SESSION BEGUN AT THE CITY OF LECOMPTON, ON THE
FIRST MONDAY OF JANUARY, 1858, AND HELD
AND CONCLUDED

AT THE
CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

LECOMPTON, K. T.:
S. W. DRIGGS & CO., PRINTERS.

1858.

SEC. 4. That the bill of exceptions must contain so much of the evidence only as is necessary to present the question of law upon which the exceptions were taken. Evidence in bill of exceptions.

ARTICLE XII.

JUDGMENT AND EXECUTION.

SEC. 1. That after verdict of guilty, or finding of the court, against the defendant, if the judgment be not arrested or a new trial granted, the court must pronounce judgment. After verdict of guilty, court must pronounce judgment.

SEC. 2. That for the purpose of judgment, if the conviction be for an offence punishable by imprisonment, the defendant must be personally present; if for a fine only, he must be personally present, or some responsible person must undertake for him to replevy the judgment and costs, judgment may then be rendered in his absence. Defendant to be present.

SEC. 3. That when the defendant is convicted of any offence, if he be in custody, the court may direct the officer, in whose custody he is, to bring him before it for judgment. Officer to bring defendant before court for judgment.

SEC. 4. That if in any case the defendant is not present when his personal attendance is necessary, the court may order the clerk to issue a warrant, for his arrest, which may be served in any county in this Territory, as a warrant of arrest, in other cases. Warrant may be issued for his arrest if not present.

SEC. 5. When the defendant appears for judgment, he must be informed by the court, of the verdict of the jury, and asked whether he have any legal cause to show why judgment should not be pronounced against him. Defendant may show why judgment should not be pronounced against him.

SEC. 6. If no sufficient cause be alleged or appear to the court why judgment should not be pronounced, it shall thereupon be rendered. If no sufficient cause be shown, it shall be rendered.

SEC. 7. When the defendant is adjudged to pay any fine and costs, the court shall order him to be committed to the jail of the county, until the same are paid or replevied. When defendant is adjudged to pay any fine &c., court may order him to jail until same is paid.

SEC. 8. Upon a judgment for fine and costs, execution shall be issued against the property of the defendant, and returned in the same manner as in civil actions. Execution shall be issued.

SEC. 9. Any person imprisoned for failure to pay or replevy any fine or costs, may be ordered to be discharged by the court, or by the judge of any court, after being imprisoned one day for every fifty cents of the fine and costs, if it appear by satisfactory proof, that such person is unable to pay or replevy the same; Any person may be discharged from prison by the court.

Conditions. but execution may issue against the property of the defendant as on other judgments.

Defendant may stay execution for fine and costs for ninety days.

SEC. 10. Every defendant in a criminal action, against whom a judgment has been rendered, may stay the execution for the fine assessed and costs, for ninety days from the rendition of the judgment, by entering replevin bail in like manner as is provided in civil actions; the entry of replevin bail has the same force as in civil actions.

Death must be by hanging.

SEC. 11. The punishment of death prescribed by law must be inflicted by hanging by the neck, at such time, not less than fifteen days after conviction, as the court may adjudge.

When execution is respited by the Governor to a farther day. Duty of sheriff.

SEC. 12. When execution of such sentence is respited to a farther day, by the Governor, the sheriff must note the same on the warrant, and the defendant must be detained in custody until the day to which the respite is granted, at which time the sheriff, unless the judgment is reversed or the defendant pardoned, must execute the sentence between the hours specified in the judgment, and return the warrant with the respite.

Sentence of death executed in some private enclosure. Persons who must be present.

SEC. 13. That sentence of death shall be executed in some private enclosure, as near to the jail as possible. The sheriff shall invite to be present at the execution, by at least three days notice, the prosecuting attorney, clerk of the court, together with two physicians and twelve reputable citizens, to be selected by him. He must also, at the request of the defendant, permit any minister of the gospel whom the defendant may name, and any of his relatives, to attend the execution; and also such peace officers as the sheriff may deem proper. No person other than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

Persons sentenced to prison, clerk must certify copy of judgment to sheriff.

SEC. 14. That, when any person is convicted and sentenced to imprisonment in the Territorial prison, the clerk must, without delay, certify, under the seal of the court, a copy of the judgment to the sheriff.

Duty of sheriff.

SEC. 15. That the sheriff must, as soon as practicable, convey the convict to the Territorial prison, and deliver him to the keeper thereof, with the copy of the judgment, and take from the keeper a receipt for the convict.

Same.

SEC. 16. That the sheriff, in conveying a convict to the Territorial prison, may demand the assistance of any sheriff, jailor or citizen, and the use of any jail, in any county through which he may pass, as occasion may require.

SEC. 17. That, in case of a conviction for an offence not punishable by death or imprisonment in the Territorial prison, in addition to the punishment required by law, the court may require the defendant to enter into a recognizance, with surety, in a reasonable sum, to keep the peace for any time not exceeding one year, or, in default thereof, to stand committed.

Court may bind defendants to keep the peace.

SEC. 18. That the sheriff must return every process issued to him, with his doings endorsed thereon.

Sheriff must return process endorsed.

ARTICLE XIII.

NEW TRIAL AND ARREST OF JUDGMENT.

SEC. 1. A new trial is a re-examination of the issue, in the same court.

New trial.

SEC. 2. That the granting of a new trial places the parties in the same position as if no trial had been had; the former verdict cannot be used or referred to either in the evidence or argument.

Same.

SEC. 3. That the court may grant a new trial for the following causes, or any of them: 1. When the jury has received any evidence, papers or documents not authorized by the court, or the court has admitted illegal testimony, or for newly discovered evidence. 2. When the jury has been separated, without leave of the court, after retiring to deliberate upon their verdict, or have been guilty of any misconduct tending to prevent a fair and due consideration of the case. 3. When the verdict has been decided by means other than a fair expression of opinion on the part of all the jurors. 4. When the court has misdirected the jury in a material matter of law. 5. When the verdict is contrary to law or evidence; but not more than two new trials shall be granted for this cause alone.

Court may grant new trial for causes.

SEC. 4. That the application for a new trial must be made before judgment.

Application.

SEC. 5. That a motion in arrest of judgment is an application, on the part of the defendant, that no judgment be rendered on a plea or verdict of guilty, or finding of the court, and may be granted by the court for either of the following causes: 1. That the grand jury who found the indictment had no legal authority to inquire into the offence charged, by reason of it not being within the jurisdiction of the court. 2. That the facts stated do not constitute a public offence.

A motion in arrest of judgment is an application, and may be granted for causes.

SEC. 6. The court may also, on its view of any of these defects, arrest the judgment without motion.

L A W S

OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-FIRST GENERAL ASSEMBLY,

CONVENED JANUARY 3, 1859.

SPRINGFIELD:
BAILHACHE & BAKER, PRINTERS.

1859

AN ACT to amend an act entitled "An act in relation to the Attorney General and State's Attorneys," approved February 28th, 1847. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the state's attorney of the seventh judicial circuit shall be allowed the same commissions and fees for his services in the recorder's court of the city of Chicago that he is now entitled to receive by law for like services in the said circuit court, to be paid by the said city of Chicago. Fees of state's attorney of the seventh circuit in the recorder's court of Chicago.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT regulating the manner of inflicting the punishment of death in capital cases. In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any person shall be condemned to suffer death, by hanging, for any crime of which such person shall have been convicted in any court of this state, such punishment shall be inflicted within the walls of the prison of the county in which such conviction shall have taken place, or within a yard or inclosure adjoining such prison.

§ 2. It shall be the duty of the sheriff or the deputy sheriff of the county to be present at such execution, and, by at least three days previous notice, to invite the presence of the judges, prosecuting attorney, and clerks of the courts of said county, together with two physicians and twelve reputable citizens, to be selected by said sheriff or his deputy. And the said sheriff or deputy sheriff shall, at the request of the criminal, permit such ministers of the gospel, not exceeding three, as said criminal shall name, and any of the immediate relatives of said criminal, to be present at such execution; and also such officers of the prison, deputies and constables as shall by him be deemed expedient to have present; but no other persons than those herein mentioned shall be permitted to be present at such execution; nor shall any person, not a relative of the criminal, under the age of twenty-one years, be allowed to witness the same. Execution to take place within an inclosure.
Sheriff to invite witnesses.
Officers.
Physicians.
Citizens.
Clergymen.
Relatives.
Prison officers.

§ 3. The sheriff, or his deputy, or the judges attending such execution, shall prepare and sign, officially, a certificate, setting forth the time and place thereof, and that such criminal was then and there executed in conformity to the sentence of the court, and the provisions of this act; and shall procure to said certificate the signatures of the other public Certificate of execution.

ACTS, RESOLUTIONS AND MEMORIALS,
OF THE
TERRITORY OF MONTANA,

PASSED BY THE
FIRST LEGISLATIVE ASSEMBLY.

CONVENED AT BANNACK, DECEMBER 12, 1864.

VIRGINIA CITY, MONTANA:
D. W. TILTON & CO.
1866.

clerk, which shall be sufficient authority to such sheriff to execute such sentence, and he shall execute the same accordingly.

SEC. 217. When any criminal shall be sentenced to any punishment, the clerk of the court in which the sentence was passed shall forthwith deliver a certified copy thereof to the sheriff of the county, who shall without delay, either in person or by deputy, cause such criminal to receive the punishment to which he was sentenced.

SEC. 218. Such sheriff or deputy, while conveying the criminal to the place of punishment, shall have the same power and like authority to require the assistance of any citizen of the Territory in securing such criminal, and retaking him if he shall escape, as such sheriff or deputy has in any other case; and all persons who shall neglect or refuse to assist such sheriff or deputy when required shall be liable to the same penalties as for similar refusals in other cases.

SEC. 219. Whenever any criminal shall be sentenced to the punishment of death, the court shall cause to be made out, sealed and delivered to the sheriff of the county, a warrant, stating such conviction and sentence, and appointing a day on which such sentence shall be executed, which shall not be less than four nor more than eight weeks from the time of the sentence.

SEC. 220. The punishment of death prescribed by law must be inflicted by hanging by the neck, at such time as the court may adjudge.

SEC. 221. When execution of such sentence is respited to a further day by the governor, the sheriff must note the same on the warrant, and the defendant must be detained in custody until the day to which the respite is granted, at which time the sheriff, unless the judgment is revoked or the defendant is pardoned, must execute the sentence, between the hours specified in the judgment, and return the warrant with the respite.

SEC. 222. The sentence of death shall be executed in some private enclosure, as near the jail as possible. The sheriff shall invite to be present at the execution, by at least three days notice, the judge of the court, the attorney prosecuting, and the clerk of the court, together with two physicians, and twelve reputable citizens, to be selected by him. He must also, at the request of the prisoner, permit any minister of the gospel whom the prisoner

may name, and any of his relations and friends whom he may desire, not exceeding two, to attend the execution, and also such peace officers as the sheriff may deem proper. No person other than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

SEC. 223. For good cause shown, the court in which the conviction is had, or the governor, may prolong the time or suspend the execution of any criminal sentenced to the punishment of death; and no other court or officer shall have such authority, except in the cases and in the manner hereinafter provided.

SEC. 224. If after any criminal be sentenced to the punishment of death, the sheriff shall have cause to believe that such criminal has become insane, he may summon a jury of twelve competent jurors, with the concurrence of the judge of the court by which the judgment was rendered, to inquire into such insanity, giving notice thereof to the attorney prosecuting.

SEC. 225. The attorney prosecuting shall attend such inquiry, and may produce witnesses before the jury, and may cause subpoenas to be issued by the clerk for that purpose; and disobedience thereto may be punished by the district court in the same manner as in other cases.

SEC. 226. The inquisition of the jury shall be signed by them and by the sheriff. If it be found that such criminal is insane, the sheriff shall suspend the execution of the sentence until he receive a warrant from the governor, or from the supreme or district court, as hereinafter authorized, directing the execution of the criminal.

SEC. 227. The sheriff shall immediately transmit such inquisition to the governor, who may, as soon as he shall be convinced of the sanity of such criminal, issue a warrant appointing a time and place for the execution, pursuant to his sentence, or he may in his discretion commute the punishment to imprisonment for life.

SEC. 228. If after any female criminal is sentenced to the punishment of death, the sheriff shall have reason to suspect that she is pregnant, he shall in like manner summon a jury of six persons, not less than three of whom shall be physicians, and shall give notice thereof to the attorney prosecuting, who shall attend, and the proceedings shall be had as provided in the second preceding section.

SEC. 229. The inquisition shall be signed by the jury and the

ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

SEVENTEENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA:

BEGUN JANUARY 14, AND ENDED MARCH 26, 1878.

PUBLISHED BY AUTHORITY.

DES MOINES:
R. P. CLARKSON, STATE PRINTER.
1878.

and on the north by the northern line of the masonry of the northern abutment of said bridge, so as to include the ground on which the abutment stands.

Exceptions. *Provided*, however, that so much of said public streets as are occupied by said wagon approach shall be forever kept and maintained as a public highway without expense to the said city of Davenport; and: *Provided further*, That this act shall not be held or construed to add to, diminish or prejudice any rights or privileges now held by any railroad company to use said approach for the purposes of a railroad track.

Nor shall the jurisdiction hereby conceded be held or construed to impair, prejudice or *effect* [affect] the right of the city of Davenport, or any other taxing power, to assess and collect taxes upon any franchise, right-of-way, or other property, or privilege, which any railroad company may now or hereafter have, hold or possess in said bridge.

Approved, March 26, 1878.

CHAPTER 164.

ACKNOWLEDGMENTS OF DEEDS BY CERTAIN OFFICERS.

H. F. 411. AN ACT to Legalize the Acknowledgments of Deeds by Deputy Clerks of Court, County Auditors and Deputy County Auditors.

Be it enacted by the General Assembly of the State of Iowa:

Legalized. SECTION 1. That all acknowledgments of deeds, heretofore taken and certified by any deputy clerk of court, county auditor or deputy county auditor within this state, be and the same are hereby declared to be legal and valid in law and equity.

Approved, March 26, 1878.

CHAPTER 165.

RE-ESTABLISHING CAPITAL PUNISHMENT.

H. F. 193. AN ACT to Repeal Section 3849, Chapter 2, Title 24, of the Code, and to Enact a Substitute Therefor, and to Restore Capital Punishment.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 3849 repealed. SECTION 1. That section 3849, chapter 2, title 24, of the Code, be and the same is hereby repealed, and the following enacted in lieu thereof, to-wit:

Section 3849. All murder which is perpetrated by means of poison, or lying in wait, or any other kind of willful, deliberate

and premeditated killing, or which is committed in the perpetration or attempt to perpetrate any arson, rape, robbery, mayhem or burglary, is murder in the first degree, and shall be punished with death "or imprisonment for life at hard labor, in the state penitentiary, as determined by the jury."

Murder in first degree.

Death or imprisonment for life.

SEC. 2. Upon trial of an indictment for murder, the jury, if they find the defendant guilty, must designate in their verdict whether he shall be punished by death or imprisonment for life at hard labor in the penitentiary.

Verdict must designate punishment.

SEC. 3. When a verdict of death has been agreed to by a jury, the court pronouncing judgment shall fix the day of the execution thereof, which shall not be less than one year after the day on which the judgment is rendered, and not longer than fifteen months, during which time the defendant, against whom judgment of death has been pronounced, shall be imprisoned in the penitentiary of the state.

Judgment, and execution.

SEC. 4. Immediately after the entry of the judgment of death, the court rendering such judgment must transmit by mail to the governor of the state, a copy of the indictment, plea, verdict, judgment, and of the testimony in the case.

After judgment, copy of papers shall be sent the governor.

SEC. 5. When a judgment of death is pronounced, a certified copy of the entry thereof in the record book must be furnished to the officer whose duty it is to execute the same, who shall proceed and execute accordingly, and no other warrant or authority is necessary to require or justify the execution.

Warrant of execution.

SEC. 6. The only officer[s] who shall have power to reprieve or suspend the execution of a judgment of death, are the governor and the sheriff, as provided in the next section, unless in case of an appeal to the supreme court, as provided in section 18 of this act.

Reprieve: Who may.

SEC. 7. When the sheriff is satisfied that there are reasonable grounds for believing that the defendant is insane or pregnant, he may summon a jury of twelve persons on the jury list, to be drawn by the clerk, who shall be sworn by the sheriff well and truly to inquire into the insanity of [or] pregnancy of the defendant and a true inquisition return, and they shall examine the defendant and hear any evidence that may be presented, and by written inquisition, signed by each of them—find as to the insanity or pregnancy, and unless the inquisition find the defendant insane or pregnant, the sheriff shall not suspend the execution. But if the inquisition find the defendant insane or pregnant, he shall suspend the execution and immediately transmit the inquisition to the governor.

Insanity or pregnancy: Shall suspend sentence.

SEC. 8. Whenever a judgment of death has not been executed on the day appointed by the court therefor, from any cause whatever, the governor, by a warrant under his hand and the seal of the state, shall fix the day of execution, which warrant shall be obeyed by the sheriff, and no one but the governor can then suspend its execution.

In case execution is delayed or suspended.

SEC. 9. A judgment of death must be executed by the sheriff on the day fixed in the judgment, between sunrise and sunset, by hanging the defendant by the neck until he is dead.

Time and manner of execution.

Place of execution. SEC. 10. A judgment of death must be executed within the walls of the jail of the county in which the judgment was rendered, or within a yard or enclosure adjoining thereto, unless as provided in the next two sections.

Same. SEC. 11. If there be no jail in the county in which the judgment was rendered, or if it becomes unfit or unsafe for the confinement of prisoners, or be destroyed by fire or otherwise, and the jail of any other county has been legally designated for the imprisonment of the defendant until the day fixed for his execution, the judgment must be executed within the walls of the jail of the county so designated, or within a yard or enclosure adjoining the same, and by the sheriff of such county.

Same. SEC. 12. If there be two or more jails or prisons in the same county, a judgment of death shall be executed within the walls of either of such jails or prisons, or within an enclosure adjoining thereto, as the court rendering such judgment shall therein direct.

Witnesses at execution. SEC. 13. The sheriff executing a judgment of death, must at least, three clear days before inflicting the punishment of death, notify the judge of the district court of his county, the district attorney, the clerk of the district court, together with two physicians and twelve respectable citizens of his county, to be selected by him, and the sheriff of the county in which the trial was had, and the offense committed (if it be in a different county,) to be present as witnesses of such execution. He must also at the request of the defendant permit one or more ministers of the gospel, whom the defendant shall name, and any of his relations to attend the execution, and also such magistrates, peace officers, and guards as the sheriff shall deem proper, but no person other than those mentioned in this section can be present at the execution, nor shall any person under age, be permitted to witness the same.

Certificate of sheriff and judges. SEC. 14. The sheriff or his deputy executing the judgment of death, and the judges attending the execution must prepare and sign with their name of office, a certificate, setting forth the time and place of the execution, and that judgment was executed upon the defendant according to the foregoing provisions, and must cause the certificate to be signed by the public officers, and at least twelve (12) persons not relations of the defendant who witnessed the execution.

Must be filed and published. SEC. 15. The sheriff or his deputy executing such judgment of death, must cause the certificate to be filed in the office of the clerk of the district court of the county in which the judgment was rendered, and a copy thereof to be published in a newspaper printed at the capital of the state, and in one, if any, published in his county.

Appeal shall stay execution. SEC. 16. An appeal by the defendant to the supreme court from a judgment of death shall stay the infliction of that punishment, but the defendant is to be retained in custody to abide the judgment on the appeal.

Appeal: Proceedings in case of. SEC. 17. When an appeal is taken from a judgment of death it shall be the duty of the clerk of the district court in which the judgment was rendered to give forthwith to the defendant, his

agent, or attorney, a certificate under his hand and the seal of the county, stating that an appeal has been taken in the case, and the sheriff or other officer having the custody of the defendant, must upon the delivery of such certificate to him refrain from the infliction of the punishment of death upon the defendant, and retain him in custody to abide the judgment of the appeal.

SEC. 18. When a judgment of death has been affirmed, the supreme court must cause a copy of the entry of judgment to be remitted to the governor, to the end that a warrant of the execution may be issued by the governor. The governor shall send his warrant of execution by a special messenger, or by mail, to the proper officer, and shall name therein the day and time of execution, but shall not appoint an earlier day than that fixed by the judgment of the district court. The officer receiving the same shall execute the warrant of the governor as therein directed and shall report his action both to the governor and the district court which rendered the original judgment. If for any cause the execution does not take place on the day appointed by the governor, the governor may from time to time appoint another day for the execution until the judgment is carried into effect.

Appeal: Proceedings in case judgment is affirmed by supreme court.

SEC. 19. All indictments pending in any court of this state for any crime committed in violation of said section 3849 of the Code shall be prosecuted to final judgment, and all crimes that have been committed in violation of said section shall be subject to indictment, trial and punishment in the same manner as they would have been had said section not been repealed.

Indictments pending shall be prosecuted to judgment under Code, § 3849.

SEC. 20. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

Approved, March 26, 1878.

CHAPTER 166.

TUITION OF PAUPER CHILDREN.

AN ACT to amend Section 1381, Chapter 1, Title XI., of the Code, providing for the Payment of the Tuition of Pauper Children. S. F. 329.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1381 of the Code is hereby amended by adding at the end of the section: The expense of the poor-house shall include such an amount of tuition for the instruction of the pauper children as the whole number of days' attendance of such pauper children is to the total number of days' attendance in the school at which such pauper children attend, and such amount shall be paid into the treasury of the district where said children attend.

Code, § 1381: amended.

How paid

SEC. 2. This act, being deemed of immediate importance, shall

L A W S
OF THE
STATE OF MARYLAND,

MADE AND PASSED AT A SESSION OF THE GENERAL ASSEMBLY,

Begun and held at the City of Annapolis, on the Fourth day of January,
1882, and ended on the Third day of April, 1882.

1882

PUBLISHED BY



AUTHORITY.

BALTIMORE:
PUBLISHED BY JOHN MURPHY & Co.

Publishers of the New Revised Code of Maryland, Hinkley's Testamentary Law, &c.
182 BALTIMORE STREET.

LUTHER F. COLTON, STATE PRINTER.
1882.

shall have the same powers and qualifications, be subject to the same duties and restrictions, and also be elected at the times and in the manner set forth in the second section as amended.

Repealed and
re-enacted.

SEO. 4. *Be it enacted*, That section two (2) of the aforesaid act and chapter be and the same is hereby repealed and re-enacted so as to read as follows: That the aforesaid trustees shall be elected on the first Saturday in April in each and every year, by the qualified voters of Manchester, Carroll county; and any vacancy occurring in such board of trustees by death, resignation or other cause, shall be filled by the remaining trustees, or a quorum of them.

How amended.

SEO. 5. *Be it enacted*, That section six (6) of the aforesaid act and chapter be amended by striking out five and inserting three.

Approved May 3, 1882.

Chapter 403.

AN ACT to repeal section thirty-one, article eighty-eight, of the Code of Public General Laws, relating to the execution of death warrants by sheriffs, and to re-enact the same with amendments.

Repealed and
re-enacted.

Be it enacted by the General Assembly of Maryland, That section thirty-one, article eighty-eight, of the Code of Public General Laws, be and the same is hereby repealed and re-enacted so as to read as follows:

Sheriff ex-
ecute sentence.

SECTION 31. The sheriff shall execute the sentence of death pronounced against any criminal by the judgment of any court of this State, whenever he is authorized to do so by the warrant of the Governor, and it shall be the duty of the sheriff to execute every such sentence of death in as private a manner as possible, and to exclude from the view thereof all persons except his deputies, the spiritual advisers of the criminal, the legal counsel who defended him, his or her relatives, not

more remote than the second degree of either affinity or consanguinity, and such other persons, not exceeding twenty, as he may appoint to witness the same; and the said sheriff shall notify the physician of the jail, if there be any, or if there be no such physician, or he refuse to attend the execution, then said sheriff shall procure some other physician of good standing to attend and furnish him a certificate that the execution was properly performed, and for said service said physician shall receive the sum of fifteen dollars, to be paid by the city or county where said execution takes place, as the case may be; and said sheriff shall return the execution of the sentence under said warrant, including oath, to the court which sentenced said prisoner, together with said physician's certificate, which with said return shall be recorded by the clerk among the proceedings in the case.

Notify physician of jail.

Return execution of sentence.

Approved May 3, 1832.

Chapter 404.

AN ACT to provide for an additional justice of the peace for district number six in Charles county.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Governor of the State of Maryland be and he is hereby authorized and empowered to appoint an additional justice of the peace in and for election district number six of Charles county.

Appoint additional justice.

SEC. 2. *And be it enacted,* That this act shall take effect from the date of its passage.

Effective.

Approved May 3, 1832.

CONSTITUTION
OF THE
STATE OF LOUISIANA,

ADOPTED IN CONVENTION

AT THE

CITY OF NEW ORLEANS, JULY 23, 1879.

WITH AMENDMENTS APPROVED AND RATIFIED BY
THE PEOPLE ON THE TWENTY-SECOND DAY OF
APRIL, 1884, AND PROCLAIMED BY THE GOV-
ERNOR ON THE TENTH DAY OF MAY,
1884, TO BECOME A PART OF
THE CONSTITUTION.



BATON ROUGE.
LEON JASTREMSKI, STATE PRINTER
1884.

SEC. 2. *Be it further enacted, etc.,* That all laws or parts of laws in conflict herewith, be and the same are hereby repealed.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieut. Governor, and President of the Senate.

Approved 10th July, 1884.

S. D. MCENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State

No. 79.]

AN ACT

Regulating the execution of criminals in the State of Louisiana.

Mode of executing warrants upon persons sentenced to capital punishment.

Be it enacted by the General Assembly of the State of Louisiana, That in all cases when sentence of death shall have been pronounced upon any person in this State, it shall be executed by hanging the person by the neck until he be dead, within the enclosure of the prison or jail of the parish, or in an enclosure about or near said prison in the presence of the Sheriff, and at least four and not exceeding fifteen witnesses, "one or more of whom shall be a practicing physician," residents of such parish, who shall duly attest the same, under oath, which attestation shall be returned by the sheriff to the court which pronounced the sentence.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieut. Governor, and President of the Senate.

Approved 10th July, 1884.

S. D. MCENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

No. 80.]

AN ACT.

To authorize the Recorder of Mortgages for the Parish of Orleans to employ additional clerks and to provide for the payment of their salaries.

Preamble.

Whereas, proper evidence has been exhibited showing that the formalities prescribed by Article 48 of the Constitution have been complied with herein; therefore,

REVISED STATUTES

OF

ARIZONA.

PRESCOTT, ARIZONA:
PRESCOTT COURIER PRINT.

1887.

if any was filed and a copy of the order disallowing or overruling such demurrer as entered in the minutes of the court; a copy of the plea of the defendant to the indictment or information as entered in the minutes of the court; a copy of the minutes of any challenge which may have interposed to the panel of the trial jury or to an individual juror, and the proceedings thereon; a copy of the minutes of the trial; all the bills of exception, if any filed, as provided in part II, title IX, chapter V of this code, and all such affidavits in support thereof as may have been filed pursuant to the provisions of section 1743 of this code; all charges or instructions asked of or given by the court or refused to be given by the court, and the indorsements thereon; a copy of the verdict of the jury; any motion for new trial filed in the court or a copy of such motion, if oral, entered in the minutes of the court, and a copy of the decision of the court upon such motion, together with all affidavits used upon such motion; all the statement of facts filed as provided in part II, title IX, chapter VIII of this code, and all affidavits in support thereof filed pursuant to section 1789 of this code; all affidavits regarding misconduct of jurors; a copy of the judgment; a copy of all orders made in the cause before judgment; a copy of any motion in arrest of judgment and the decision of the court thereon as entered in the minutes of the court; such record shall form the transcript on appeal, if appeal is taken.

1821. (SEC. 1821.) All judgments rendered by the various district courts of this territory, sentencing any person or persons to confinement in the territorial prison, shall specify the time of the commencement of the term of said confinement.

1822. (SEC. 1822.) If the defendant have been convicted of two or more offenses before judgment on either, the judgment may be that the imprisonment upon any one may commence at the expiration of the imprisonment upon any other of the offenses.

CHAPTER II.

THE EXECUTION.

1832. (SEC. 1832.) When a judgment, other than of death, has been pronounced, a certified copy of the entry thereof upon the minutes must be forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

1833. (SEC. 1833.) If the judgment is for a fine alone, execution may be issued thereon as on a judgment in a civil action.

1834. (SEC. 1834.) If the judgment is for imprisonment, or a fine, and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained until the judgment is complied with.

1835. (SEC. 1835.) If the judgment is for imprisonment in the territorial prison, the sheriff of the county must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the territorial prison. He must also deliver to the warden the certified copy of the judgment, and take from the warden a receipt for the defendant.

1836. (SEC. 1836.) When the judgment of death is rendered, a warrant, signed by the judge and attested by the clerk under the seal of the court, shall be drawn and delivered to the sheriff; it shall state the conviction and

judgment, and appoint a day on which the judgment shall be executed, which shall not be less than thirty nor more than sixty days from the time of the judgment.

1837. (Sec. 1837.) The judge of a court at which a conviction requiring judgment of death shall have been had shall, immediately after the conviction, transmit to the governor, by mail or otherwise, a statement of the conviction and judgment, and of the testimony given at the trial.

1838. (Sec. 1838.) The governor may thereupon require the opinion of the justices of the supreme court and the attorney-general, or any of them, upon the statement so furnished.

1839. (Sec. 1839.) No judge, court, or officer other than the governor, can suspend the execution of a judgment of death, except the sheriff, as provided in the seven succeeding sections, unless an appeal be taken.

1840. (Sec. 1840.) If, after judgment of death, there be good reason to suppose that the defendant has become insane, the sheriff of the county, with the concurrence of the judge of the court by which the judgment was rendered, may summon a jury of twelve persons to inquire into the supposed insanity, and shall give immediate notice thereof to the district attorney.

1841. (Sec. 1841.) The district attorney shall attend the inquisition, and may produce witnesses before the jury, for which purpose he may issue process in the same manner as for witnesses to attend before the grand jury, and disobedience thereto may be punished in like manner as disobedience to process issued by that court.

1842. (Sec. 1842.) A certificate of the inquisition shall be signed by the jurors and the sheriff, and filed with the clerk of the court in which the conviction was had.

1843. (Sec. 1843.) If it be found by the inquisition that the defendant is sane, the sheriff shall execute the judgment; but if it be found that he is insane, the sheriff shall suspend the execution of the judgment until he receives a warrant from the judge of the court in which the judgment was rendered, directing the execution of the judgment.

1844. (Sec. 1844.) If the inquisition find that the defendant is insane the sheriff must immediately transmit it to the governor who may when the defendant becomes sane issue a warrant appointing a day for the execution of the judgment.

1845. (Sec. 1845.) If there is good reason to suppose that a female against whom a judgment of death is rendered is pregnant, the sheriff of the county, with the concurrence of the judge of the court by which the judgment was rendered, may summon a jury of three physicians to inquire into the supposed pregnancy. Immediate notice thereof must be given to the district attorney of the county, and the provisions of sections 1841 and 1842 apply to the proceedings upon the inquisition.

1846. (Sec. 1846.) If it is found by the inquisition that the female is not pregnant, the sheriff must execute the judgment; if it is found that she is pregnant, the sheriff must suspend the execution of the judgment, and transmit the inquisition to the governor. When the governor is satisfied that the female is no longer pregnant, he may issue his warrant appointing a day for the execution of the judgment.

1847. (Sec. 1847.) If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction was had, on the application of the district attorney, must order the defendant to be brought before it, or, if he is at large, a warrant for his apprehension may be issued. Upon the defendant being brought before the court, it must inquire into the facts, and if no legal reasons exist against the execution of the judgment, must make an order that the sheriff execute the judgment at a specified time. The sheriff must execute the judgment accordingly.

1848. (SEC. 1848.) The punishment of death must be inflicted by hanging the defendant by the neck until he is dead.

1849. (SEC. 1849.) A judgment of death must be executed within the walls or yard of a jail, or some convenient private place in the county. The sheriff of the county must be present at the execution, and must invite the presence of a physician, the district attorney of the county, and at least twelve reputable citizens, to be selected by him; and he shall, at the request of the defendant, permit such ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

1850. (SEC. 1850.) After the execution, the sheriff must make a return upon the death warrant, showing the time, mode, and manner in which it was executed.

LAWS OF MISSOURI,

PASSED AT THE SESSION OF THE

THIRTY-FOURTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON,

WEDNESDAY, JANUARY 5, 1887.

(REGULAR SESSION.)

BY AUTHORITY.



JEFFERSON CITY, MO.:

TRIBUNE PRINTING COMPANY, STATE PRINTERS AND BINDERS.

1887.

CRIMES AND CRIMINAL PROCEDURE: EXECUTIONS PRIVATE.

AN ACT to amend article 19 of chapter 24 of the Revised Statutes of the state of Missouri, entitled "of crimes and criminal procedure," by adding thereto three new sections, to be known as sections 1956a, 1956b and 1956c.

SECTION 1. Death sentence to be executed in jail or enclosure—who be present—officer's return.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That article 19 of chapter 24 of the Revised Statutes of Missouri of 1879, entitled "of crimes and criminal procedure," be amended by adding thereto three new sections, to be known as sections 1956a, 1956b and 1956c, and to read as follows: Section 1956a. The sentence of death shall be executed within the walls of the jail at the county seat of the county wherein the conviction was had, when such jail is so constructed that the execution can conveniently take place therein, but if the jail is not so constructed, then such sentence shall be executed in an inclosure surrounded by a wall, palisade or fence higher than the gallows and sufficiently close to exclude the view of persons on the outside; and said inclosure shall be adjoining or as near to the jail as possible. Section 1956b. At the execution there may be present, besides the officers of the court wherein the conviction was had, such other officers and such guards and assistants as the officer executing the sentence may see proper to admit. He shall request the presence of the prosecuting attorney of the county, the clerk of the court and twelve reputable citizens of the county, to be selected by him, two of whom shall be physicians or surgeons, and he shall also permit the presence of the counsel of the convict and such minister of the gospel as the convict may desire, and such of the convict's relations as the officer may deem prudent, but no person under twenty-one years of age, not related to the convict, shall be allowed to witness the execution. Section 1956c. The officer executing a sentence of death shall make return on the warrant of the execution thereof, which shall be further certified to by at least two of the persons present thereat, and be by said officer returned to the clerk of the court from which said warrant was issued, and be by him filed among the records and proceedings in said case as a part thereof.

Approved March 19, 1887.

CRIMES AND CRIMINAL PROCEDURE: IMPRISONMENT IN
WORK-HOUSE.

AN ACT to amend section 1963 of article 19 of chapter 24 of the Revised Statutes of Missouri, entitled "verdict and judgment and proceedings thereon."

L A W S
OF THE
STATE OF NEW YORK.
VOL. I,
PASSED AT THE
ONE HUNDRED AND FIFTEENTH SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY FIFTH, 1892, AND ENDED APRIL TWENTY-FIRST, 1892,
IN THE CITY OF ALBANY; AND AT AN EXTRAORDINARY SES-
SION, BEGUN ON APRIL TWENTY-FIFTH, 1892 AND
ENDED ON APRIL TWENTY-SIXTH, 1892.



ALBANY:
BANKS & BROTHERS, PUBLISHERS.
1892.

exceeding two hundred and fifty dollars for any month; and such amount for his actual expenditures for clerks, stenographers, personal and incidental expenses as shall be certified in like manner to have been reasonable and necessary and shown to have been actually expended in the performance of such work.

§ 2. This act shall take effect immediately.

CHAP. 16.

AN ACT to amend section five hundred and seven of the Code of Criminal Procedure, relative to the death penalty.

APPROVED by the Governor February 4, 1892. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and seven of the Code of Criminal Procedure, is hereby amended so as to read as follows:

Execu-
tions, who
to be
present at.

§ 507. It is the duty of the agent and warden to be present at the execution, and to invite the presence, by at least three days previous notice, of a justice of the supreme court, the district attorney, and the sheriff of the county where the conviction was had, together with two physicians and twelve reputable citizens of full age, to be selected by said agent and warden. Such agent and warden must at the request of the criminal, permit such ministers of the gospel, priests or clergymen of any religious denomination, not exceeding two, to be present at the execution; and in addition to the persons designated above, he shall also appoint seven assistants or deputy sheriffs who shall attend the execution. He shall permit no other person to be present at such execution except those designated in this section. Immediately after the execution a post-mortem examination of the body of the convict shall be made by the physicians present at the execution, and their report in writing stating the nature of the examination, so made by them, shall be annexed to the certificate hereinafter mentioned and filed therewith. After such post-mortem examination, the body, unless claimed by some relative or relatives of the person so executed, shall be interred in the grave-yard or cemetery attached to the prison, with a sufficient quantity of quick-lime to consume such body without delay; and no religious or other services shall be held over the remains after such execution, except within the walls of the prison where said execution took place, and only in the presence of the officers of said prison, the person conducting said services, and the immediate family and relatives of said deceased prisoner. Any person who shall violate or omit to comply with any provision of this section shall be guilty of a misdemeanor.

Post-
mortem
examina-
tion.

Disposi-
tion of
body.

Religious
services,
provision
as to.

Mis-
demeanor.

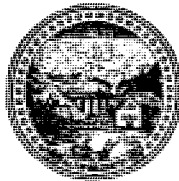
§ 2. This act shall take effect immediately.

STATUTES
OF THE
STATE OF NEVADA

PASSED AT THE
TWENTIETH SESSION OF THE LEGISLATURE

1901

COMMENCED ON MONDAY, THE TWENTY-FIRST DAY OF JANUARY,
AND ENDED ON SATURDAY, THE SIXTEENTH DAY OF MARCH



CARSON CITY, NEVADA
STATE PRINTING OFFICE, : : : : ANDREW MAUTE, SUPERINTENDENT
1901

procurement of more than one license for the same sheep, in the State of Nevada during the same year.

CHAP. LII.—*An Act amendatory of and supplementary to an Act entitled "An Act to regulate proceedings in criminal cases in the courts of justice in the Territory of Nevada."*

[Approved March 13, 1901.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and fifty-four of said Act is hereby amended so as to read as follows:

Judgment of death.

Section four hundred and fifty-four. When judgment of death is rendered, a warrant, signed by the Judge and attested by the Clerk, under the seal of the Court, must be drawn and delivered to the Sheriff. It must state the conviction and judgment, and appoint a day on which the judgment is to be executed, which must not be less than sixty days nor more than ninety days from the time of the judgment, and must direct the Sheriff to deliver the defendant within seven days, or as soon thereafter as travel will permit, to the Warden of the State Prison of this State, for execution, such Prison to be designated in the warrant.

Warden of State Prison to execute death sentence.

SEC. 2. Section four hundred and fifty-seven of said Act is hereby amended so as to read as follows:

Governor and Warden only to suspend execution, except in appeal cases.

Section four hundred and fifty-seven. No Judge, Court or officer, other than the Governor, can suspend the execution of a judgment of death, except the Warden of the State Prison to whom he is delivered for execution, as provided in the eight succeeding sections, unless an appeal is taken. When an appeal is taken from a judgment of death, the appellate court, and any Judge thereof in vacation, may suspend the execution until the appeal is heard and determined.

SEC. 3. Section four hundred and fifty-eight of said Act is hereby amended so as to read as follows:

If defendant is insane.

Section four hundred and fifty-eight. If, after judgment of death, there is good reason to suppose that the defendant has become insane, the Warden of the State Prison to whom he is delivered for execution, with the concurrence of the Judge of the District Court of the county in which such Prison is situated, may summon from the list of jurors selected by the County Commissioners for the year, a jury of twelve persons, to inquire into the supposed insanity, and must give immediate notice thereof to the District Attorney of said county.

Warden may impanel jury to determine insanity of defendant.

SEC. 4. Section four hundred and sixty of said Act is hereby amended so as to read as follows:

Certificate of inquisition.

Section four hundred and sixty. A certificate of the inquisition must be signed by the jurors and the Warden, and

filed with the Clerk of the District Court of the county in which such Prison is situated.

SEC. 5. Section four hundred and sixty-one of said Act is hereby amended so as to read as follows:

Section four hundred and sixty-one. If it is found by the inquisition that the defendant is sane, the Warden must execute the judgment; but if it is found that he is insane, the Warden must suspend the execution of the judgment until he receives a warrant from the Governor, or from the Judge of the District Court of the county in which such State Prison is situated, directing the execution of the judgment.

When defendant is found insane or sane.

SEC. 6. Section four hundred and sixty-two of said Act is hereby amended so as to read as follows:

Section four hundred and sixty-two. If the inquisition finds that the defendant is insane, the Warden must immediately transmit it to the Governor, who may, when the defendant becomes sane, issue a warrant appointing a day for the execution of the judgment.

If insane.

SEC. 7. Section four hundred and sixty-three of the said Act is hereby amended so as to read as follows:

Section four hundred and sixty-three. If there is good reason to suppose that a female against whom a judgment of death is rendered is pregnant, the Warden of the State Prison to whom she is delivered for execution, with the concurrence of the District Court of the county in which such State Prison is situated, may summon a jury of three physicians to inquire into the supposed pregnancy. Immediate notice thereof must be given to the District Attorney of such county, and the provisions of sections four hundred and fifty-nine and four hundred and sixty apply to the proceedings upon the inquisition.

If defendant is a female and pregnant Warden to summon a jury of three physicians.

Notice to be given.

SEC. 8. Section four hundred and sixty-four of said Act is hereby amended so as to read as follows:

Section four hundred and sixty-four. If it is found by the inquisition that the female is not pregnant, the Warden must execute the judgment; if it is found that she is pregnant, the Warden must suspend the execution of the judgment, and transmit the inquisition to the Governor.

If defendant is pregnant, execution suspended.

SEC. 9. Section four hundred and sixty-six of said Act is hereby amended so as to read as follows:

Section four hundred and sixty-six. If for any reason a judgment of death has not been executed, and it remains in force, the Court in which the conviction is had, on the application of the District Attorney of the county in which the conviction is had, must order the defendant to be brought before it; or, if he be at large, a warrant for his apprehension may be issued.

If judgment of death has not been executed.

SEC. 10. Section four hundred and sixty-seven of said Act is hereby amended so as to read as follows:

Section four hundred and sixty-seven. Upon the defendant being brought into court, it must inquire into the facts, and if no legal reasons exist against the execution of the

Relating to execution of judgment.

judgment, must make an order that the Warden of the State Prison, to whom the Sheriff is directed to deliver the defendant, shall execute the judgment at a specified time.

SEC. 11. Section four hundred and sixty-eight of said Act is hereby amended so as to read as follows:

Section four hundred and sixty-eight. The punishment of death shall be inflicted by hanging the defendant by the neck until he be dead, within the inclosed limits of the State Prison, and a suitable and efficient inclosure shall be provided by the Board of Prison Commissioners for the purpose. The Warden of the Prison where the execution is to take place must be present at the execution, and must invite the presence of a physician, the Attorney-General of the State, and at least twelve reputable citizens to be selected by him; and he shall, if requested by the defendant, permit such ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may deem proper to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

SEC. 12. After the execution, the Warden must make a return upon the death warrant to the Court by which the judgment was rendered, showing the time, place, mode and manner in which it was executed.

SEC. 13. This Act shall take effect January 1, 1903.

CHAP. LIII.—*An Act to prohibit the sale of ardent spirits to the Indians.*

[Approved March 14, 1901.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall, after the passage of this Act, sell, barter, give, or in any manner dispose of any spirituous or malt liquors, wine or cider, of any description whatever, to any Indian within this State, shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, or be imprisoned in the State Prison for a period of not more than three years, nor less than one year.

SEC. 2. All fines imposed and collected under the provisions of this Act shall be paid into the School Fund, and the Court before whom the conviction is had is hereby authorized and empowered to tax as part of the costs, the sum of one hundred dollars against the defendant, which last sum shall go to any person giving information leading to the arrest of the defendant; and in the event of the failure or

Acts and Joint Resolutions

ALSO CERTAIN

CONCURRENT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA

Passed at the Regular Session of 1912

Printed by Order of the General Assembly and Designed to form a part of the
Twenty-Seventh Volume of the Statutes at Large, Commencing
with the Acts of the Regular Session of 1911

COLUMBIA, S. C.
GONZALES AND BRYAN, STATE PRINTERS
1912

A. D. 1912.

No. 402.

AN ACT TO PRESCRIBE THE METHOD OF CAPITAL PUNISHMENT IN SOUTH CAROLINA.

SECTION 1. *Be it enacted* by the General Assembly of the State of South Carolina, That after the approval of this Act by the Governor all persons convicted of capital crime and have imposed upon them the sentence of death shall suffer such penalty by electrocution within the walls of the State Penitentiary, at Columbia, under the direction of the Superintendent of the Penitentiary instead of by hanging.

SEC. 2. The Board of Directors of the State Penitentiary are authorized and required to provide a death chamber and all necessary appliances for inflicting such penalty by electrocution and pay the costs thereof out of any funds in their hands. The expense of transporting any such criminal to the State Penitentiary shall be borne by the county in which the offense was committed.

SEC. 3. Upon the conviction of any person in this State of a crime, the punishment of which is death, it shall be the duty of the presiding Judge to sentence such convicted person to death according to the provisions of this Act, and to make such sentence in writing, which shall be filed with the papers in the case against such convicted person, and a certified copy thereof shall be transmitted by the Clerk of the Court of General Sessions in which said sentence is pronounced to the Superintendent of the State Penitentiary, at Columbia, not less than ten days prior to the time fixed in the sentence of the Court for the execution of the same, and in all cases it shall be the duty of the Sheriff of the county in which such convicted person is so sentenced, together with one deputy or more, if in his judgment it is necessary, to convey such convicted person to the Penitentiary, at Columbia, to deliver him or her to the Superintendent of the State Penitentiary not more than twenty days nor less than two days prior to the time fixed in the judgment for the execution of such condemned person, unless otherwise directed by the Governor, or unless a stay of execution has been caused by appeal, or granting of a new trial, or other order of Court of competent jurisdiction.

Capital punishment to be by electrocution.

Penitentiary Directors to provide for same.

County to pay cost of transporting criminal to place of execution.

Judges to impose sentence to conform to Act.

Duty of Sheriff to convey prisoner to State Penitentiary for execution.

SEC. 4. At such execution there shall be present the executioner and at least two assistants, the Penitentiary surgeon and one other surgeon, if the condemned person so desires, an electrician, the condemned person's counsel and relatives, if they so desire, ministers of the gospel, not exceeding three, if they so desire, and not less than twelve nor more than twenty-four respectable citizens of this State, to be designated by the executioner.

A. D. 1912.

Who may witness execution.

SEC. 5. The executioner and the attending physician shall certify the fact of such execution to the Clerk of the Court of General Sessions in which such sentence was pronounced, which certificate shall be filed by the Clerk with the papers in the case.

Executioner to certify to execution.

SEC. 6. The body of person so executed shall be delivered to relatives; and in case no claim is made by relatives for such body the same shall be disposed of as bodies of convicts dying in the State Penitentiary: *Provided*, That if nearest relatives or persons so executed desire that body be carried to former home, if in the State, the expenses for such transportation shall be paid by Penitentiary authorities, who shall draw their warrant upon County Treasurer of county from which said convict came and said County Treasurer shall pay same and charge to item of Court expenses.

Disposition of the body.

Proviso.

SEC. 7. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved the 17th day of February, A. D. 1912.

No. 403.

AN ACT TO REQUIRE COUNTY OFFICERS TO SECURE OFFICIAL BOND IN SURETY COMPANIES.

SECTION 1. *Be it enacted* by the General Assembly of the State of South Carolina, That before any county official, hereafter elected or appointed to any county office in this State, who is required by law to give bond, shall enter into the discharge of the duties of his office, he shall secure bond in some reliable surety company authorized to do business in the State of South Carolina: *Provided*, That if any official be refused

County officers required to secure bond from surety company.

Compiled Exhibit 45

THE STATE OF OHIO.

GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

SIXTY-SIXTH GENERAL ASSEMBLY

AT ITS ADJOURNED SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 6, 1885.

VOLUME LXXXII.

COLUMBUS:
MYERS BROTHERS, STATE PRINTERS.
1885.

SEC. 3. That said original section 6454, as amended March 9, 1880, March 9, 1882, March 7, 1883, February 26, 1884, March 27, 1884, and February 12, 1885, and said section 6454a, be and the same are hereby repealed. Repeal.

SEC. 4. That this act take effect and be in force from and after its passage.

A. D. MARSH,

Speaker of the House of Representatives.

JOHN G. WARWICK,

President of the Senate.

Passed April 29, 1885.

[Senate Bill No. 409.]

AN ACT

To amend sections 7338, 7339, 7340, 7341 and 7343 of the Revised Statutes of Ohio, and to repeal section 7342 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 7338, 7339, 7340, 7341 and 7343 of the Revised Statutes of Ohio be amended so as to read as follows:

Section 7338. 1. The mode of inflicting the punishment of death shall be by hanging by the neck until the person is dead; and the sheriff, or in case of his death, inability or absence, the coroner of the county in which sentence of death is pronounced, shall be the executioner. And when any person shall be sentenced, by any court of the state having competent jurisdiction, to be hanged by the neck until dead, such punishment shall only be inflicted within the walls of the Ohio penitentiary, at Columbus, Ohio, within an enclosure to be prepared for that purpose, under the direction of the warden and board of managers thereof, which enclosure shall be higher than the gallows, and so constructed as to exclude public view.

Mode, place and time of inflicting the death penalty; sheriff's fees.

2. All executions of the death penalty by hanging shall take place according to the provisions of this act, and on the day designated by the judge passing sentence, but before the hour of sunrise of the designated day, and the sheriff of the county shall receive for his services one hundred dollars and the same fees as are paid in other felony cases, to be paid out of the county treasury, on the return of the sheriff showing the due execution of the sentence, duly attested and approved by the warden of the penitentiary.

Section 7339. When a person is sentenced to death, all writs for the execution of the death penalty shall be directed to the sheriff by the court issuing the same, and the sheriff of the county wherein the prisoner has been convicted and sentenced, shall, within the next thirty (30) days thereafter, in as private and secure a manner as is possible to be done, convey the prisoner to the Ohio penitentiary, where the said prisoner shall be received by the warden, and securely kept until the day designated for his execution; and the sheriff shall receive for conducting the prisoner sentenced to death to the Ohio penitentiary, the same fees and

Conveyance of sentenced prisoner to the penitentiary; sheriff's fees.

- mileage that is provided by law in other cases, when duly approved by the warden of the penitentiary.
- Erection of gallows at penitentiary.** Section 7340. After the passage of this act, all such warrants shall be executed within the walls of the Ohio penitentiary. It shall be the duty of the board of managers and warden of the penitentiary to proceed at once to the erection of a suitable building and scaffold, (which building and scaffold shall be permanent), in and on which to carry out the provisions of this act, the cost of which said building, scaffold and other necessary material for the completion of a permanent gallows, shall be paid out of any funds on hand appropriated for the maintenance and support of the Ohio penitentiary.
- Who may attend executions.** Section 7341. Besides the warden, the following persons may be present at the execution, but none others: the clergyman in attendance upon the prisoner, such other persons as the prisoner may designate, not exceeding three in number, and five other sheriffs in the state, as the warden may designate, the chaplain and board of managers of the penitentiary, the coroner or the county in which the prisoner was sentenced, and a reporter for each one of the two leading newspapers of opposite politics published in said county that the sheriff may designate.
- Execution and return of warrant.** Section 7343. Unless a suspension of execution be ordered by the supreme court, or two judges thereof, the sheriff or coroner shall proceed at the time and place named in the warrant, to cause the prisoner sentenced to be hanged by the neck until he be dead; and of the manner of his execution of the warrant and his doings thereon, he shall forthwith make return to the clerk of the county from whence the prisoner was sentenced, who shall record the warrant and returns in the records of the case.
- Disposition of the body of the person executed.** SEC. 2. The body of the executed person shall be returned to the friends in any county in the state for burial that they may request in writing, if made on the warden the day before, or on the morning of the execution; and he may draw his order on the auditor of state, and he on the state treasurer, for paying the transportation and other funeral expenses, not to exceed the sum of fifty dollars; and if no request is made by the friends as aforesaid, the body to be disposed of as provided by law for such cases.
- To whom this act does not apply.** SEC. 3. The provisions of this act shall not be held to apply to cases of persons under sentence of death, and time of execution fixed to take place prior to July 1, 1885, but all persons under sentence of death, and time of execution fixed, to take place prior to July 1, 1885, shall be executed as provided in warrants issued at the place in such warrants named.
- Repeal.** SEC. 4. Said original sections 7338, 7339, 7340, 7341, 7342 and 7343 are hereby repealed.
- SEC. 5. This act shall take effect and be in force from and after its passage.

A. D. MARSH,

Speaker of the House of Representatives.

JOHN G. WARWICK,

President of the Senate.

Passed April 29, 1885.

PUBLIC ACTS

PASSED BY THE GENERAL ASSEMBLY

OF THE

STATE OF CONNECTICUT,

IN THE YEAR 1893.



PUBLISHED BY AUTHORITY.

HARTFORD, CONN.:

PRESS OF THE FOWLER & MILLER COMPANY, 341 MAIN STREET.

the Penfield Reef lighthouse, and thence along said Penfield Reef to the shore or mainland in the town of Fairfield.

Jurisdiction of offense.

SEC. 2. Whenever there shall be any doubt as to which of the adjoining towns has jurisdiction of the place where an offense against this act has been committed, such offense may be prosecuted in either of said towns.

Penalty.

SEC. 3. Every person violating the provisions of this act shall be fined not exceeding thirty dollars.

Approved, May 20, 1893.

[Substitute for House Bill No. 77.]

CHAPTER CXXXVII.

An Act concerning the Infliction of the Death Penalty.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Capital punishment, how, by whom, and where inflicted.

SECTION 1. The mode of inflicting the punishment of death shall be by hanging by the neck until the condemned person is dead. The warden of the Connecticut state prison, or in case of his death, inability, or absence, a deputy warden, shall be the executioner; and when any person shall be sentenced by any court of this state having competent jurisdiction, to be hanged by the neck until dead, he shall, within twenty days after final sentence, be conveyed to the Connecticut state prison, and such punishment shall only be inflicted within the walls of the Connecticut state prison in Wethersfield, within an enclosure to be prepared for that purpose, under the direction of the warden of the state prison or his deputy, and the board of directors thereof, which enclosure shall be higher than the gallows, and so constructed as to exclude public view.

Fee of executioner.

SEC. 2. All executions of the death penalty shall take place according to the provisions of this act, and on the day designated by the judge passing sentence, but before the hour of sunrise on the designated day, and the warden, or deputy warden executing the sentence shall receive for his services fifty dollars, to be paid out of any fund on hand appropriated for the maintenance and support of the Connecticut state prison.

Witnesses of execution.

SEC. 3. Besides the warden, or deputy warden, and such number of guards as he thinks necessary, the following persons may be present at the execution, but no others: the sheriff of the county in which the prisoner was tried and convicted, the board of directors, and physician of the Connecticut state prison, the clergyman in attendance upon the prisoner, and such other persons, adult males, as the prisoner may designate, not exceeding three in number, representatives of not exceeding five newspapers in the county where the crime was committed, and one reporter for each of the daily newspapers published in the city of Hartford.

SEC. 4. The warden or his deputy shall cause the body of any executed criminal to be decently and quietly buried in any county in the state of Connecticut that may be designated by the relatives or friends of the executed person, provided a request for said burial be made to the warden or deputy on or before the day of execution. In case the body is not claimed by any relatives or friends on or before the day of execution, then the warden or deputy shall dispose of it as provided by law for the bodies of unclaimed criminals who die in the state prison. The expenses of the funeral and burial shall not exceed fifty dollars, and shall be paid out of any funds on hand appropriated for the maintenance and support of the state prison.

Disposition of the body.

SEC. 5. The warden or deputy warden shall endorse upon the death warrant a record of his execution thereof, and shall return said warrant to the clerk of the superior court of the county where the trial and conviction was had.

Return of death warrant.

SEC. 6. The penalty of death shall be inflicted within a period of not less than one month, nor more than six months after conviction and sentence, unless a reprieve or stay of execution is granted by competent authority.

Death penalty to follow sentence, how long after.

SEC. 7. The provisions of this act shall not be held to apply to any person who may be under sentence of death prior to October 1, 1893; but any person under sentence of death prior to October 1, 1893, shall be executed as provided in the warrant issued and in the place in such warrant named.

Exception.

SEC. 8. The sum of three thousand dollars is hereby appropriated for the purpose of erecting or adapting on the prison grounds a building suitable for the execution of prisoners sentenced to death.

Appropriation for building.

SEC. 9. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

SEC. 10. This act shall take effect October 1, 1893.

When this act takes effect.

Approved, May 25, 1893.

[House Bill No. 156.]

CHAPTER CXXXVIII.

An Act relating to Expenses of Clerks of Courts.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. The necessary personal expenses of the clerk and assistant clerks of the superior court, and of the clerk and assistant clerk of the court of common pleas of Litchfield county, and of the clerk and assistant clerk of the superior court for Windham county, incurred by reason of attending sessions of their respective courts in towns other than those in which they respectively reside, shall be taxed and paid for by the state, in the same manner as other court expenses are taxed and paid.

Expenses of clerks of courts for Litchfield and Windham counties.

SEC. 2. This act shall take effect upon its passage.

Approved, May 25, 1893.

ACTS

OF THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

Fifty-fourth Under the New Constitution.



TRENTON, N. J.:
MACCRELLISH & QUIGLEY, PRINTERS.
1898.

dollars, the fee of the sheriff for the services hereinafter required of him, and to certify the same under his hand and seal of office, and deliver the same to the sheriff or other proper officer.

124. It shall be the duty of the sheriff or other proper officer, upon receiving such certified copy of the execution and return, to present the same to the county collector, who shall pay to the sheriff of said county or other proper officer the amount of the costs indorsed, together with the interest due thereon, taking the receipt of the sheriff or other proper officer thereupon, which certified copy and receipt shall be a sufficient voucher for the payment thereof, in the settlement of the accounts of the said collector.

County collector
to make pay-
ment.

125. The said collector, having paid the said costs, shall thereupon charge the same, together with the amount of said fine, to the city, borough or township against which such execution was issued, adding thereto interest up to the twenty-second day of December next ensuing the next annual meeting of the board of assessors of said county, and shall lay the same before the said board of assessors at their next annual meeting, which sum shall be added to the proportion or quota of the tax next to be levied and collected in such city, borough or township; and shall be assessed, levied, collected and paid over in the same manner and under the same penalties as the said proportion or quota of tax is by law directed to be assessed, levied, collected and paid over.

Duty of board
of assessors.

126. Judgments in any court of record, entered upon forfeited recognizances in criminal cases, may be revived by scire facias, or an action of debt may be brought thereon within six years next after the date of such judgment and not after, and the lien of any such judgment heretofore entered shall cease to be a lien after six years, notwithstanding the issuing of scire facias thereon, if no proceedings shall have been taken upon such scire facias within the past six years.

Revival of judg-
ments.

X. CAPITAL PUNISHMENT.

127. The manner of inflicting the punishment of death shall be by hanging the person convicted by the neck

Manner of
inflicting.

until dead; and the said punishment shall be inflicted either in the prison where the convict shall be confined, or within an inclosed yard of such prison, if there be one, or within an inclosure erected for the purpose, adjoining such prison, at the discretion of the sheriff, whose duty it shall be to inflict the same; and the necessary expense attending an execution shall be ascertained by the board of chosen freeholders of the county in which the same shall take place, and be paid upon their order by the county collector.

Witnesses of execution.

128. In all cases in which judgment of death shall be given in any of the courts of this state against any person or persons, it shall be the duty of the court in which such judgment shall be given, immediately after giving such judgment, to appoint and designate in writing from among the persons liable to duty as grand jurors in the county in which such judgment is to be executed, twelve respectable persons, two of whom shall be physicians, whose duty it shall be to be present at the time and place of the execution of such judgment, and to attend upon and witness the same.

Their duty.

129. Each of the persons so appointed as aforesaid shall, before entering upon the duty required of them by such appointment, take an oath or affirmation before the clerk of the court making such appointment, faithfully to execute and perform the duty required of them by such appointment, and truly to report and make known in writing, under their hands to the court by which they were appointed, the time, place and manner of the execution of such judgment, and the names of all persons present thereat; and immediately after the execution of such judgment of death, the said several persons appointed to witness the same as aforesaid shall unite in a report in writing under their hands, to be addressed to the court by which they were appointed, in which shall be fully and particularly stated and set forth the time, place and manner of the execution of such judgment of death, and the names of all persons present thereat, which report shall on the same day be filed with the clerk of the court in which such judgment was given.

Special deputies.

130. It shall be lawful for the sheriff of the county in which such judgment is to be executed, not less than

ten days before the time fixed for the execution of such judgment, to appoint and designate from among the residents and citizens of such county who are liable to serve as jurors therein, twelve reputable persons to serve as special deputies of such sheriff at the time and place fixed for the execution of such judgment; but nothing herein contained shall prevent such sheriff from appointing as many deputies to serve on the day fixed for the execution of such judgment as may, in his opinion, be necessary to preserve the peace; *provided*, that only twelve deputies appointed and designated as hereinbefore provided shall be present at or witness the execution of such judgment of death; *and provided further*, that nothing herein contained shall prevent members of the family of the person or persons against whom judgment of death shall have been given, not exceeding three in number, or any ministers of the gospel, not exceeding two in number, all of whom shall be designated by such person or persons, from being present at and witnessing the execution of such judgment of death.

Proviso.

Proviso.

131. If any sheriff, under-sheriff, deputy sheriff or jailer shall procure, permit or suffer any other person or persons than those designated by law to be present at or witness the execution of any judgment of death, such sheriff, under-sheriff, deputy sheriff or jailer shall be liable to punishment as for contempt of the court in which such judgment of death was given.

No others allowed present.

132. In cases where the death penalty is inflicted the sheriff shall admit to the execution the accredited representative of the associated press, and the accredited representative of any one other general newsgathering association, if there be such, and the accredited representatives of the local press of the county, not to exceed three in number, and the stenographer of the court of oyer and terminer may be present for the purpose of furnishing information to members of the press concerning the execution, and the sheriff may call in to assist him in such execution one or more persons without reference to their places of residence, not exceeding three; *provided*, he shall deem their skill useful to him in the proper carrying out of such execution.

Press representative present.

Proviso.

Reprieve.

133. When a reprieve shall be granted by the governor or person administering the government, to any convict sentenced to the punishment of death, and such convict shall not be pardoned, it shall be the duty of the said governor or person administering the government to issue his warrant to the sheriff of the proper county, commanding him to execute the sentence at such time as shall be therein appointed and expressed, which warrant shall be transmitted to said sheriff at the expense of the state.

XI. JUDGMENT AND ERROR.

Writs of error.

134. Writs of error in all criminal cases shall be writs of right, and issue of course; but in criminal cases punishable with death, writs of error as writs of right shall be issued out of and returnable to the court of errors and appeals alone, and such writs shall be heard and determined at the term of said court next after the judgment of the court below unless for good reasons the court of errors and appeals shall continue the cause to any subsequent term; all other writs of error, not brought on for hearing at the term to which they are returnable, or on the opening day of the next term thereafter, shall be dismissed unless the appellate court shall continue the same after notice to the defendant in error, on motion in open court and for good cause shown.

Bill of exception.

135. If, on the trial of any indictment, any exception shall be taken to any decision of the court during the trial to the prejudice or injury of any defendant, it shall be the duty of the judge to settle a bill of such exceptions, and to sign and seal the said bill, to the end that the same be returned with a writ of error to the court having cognizance thereof; and the bill of exceptions taken in any case shall contain only so much of the evidence as may be necessary to present the questions of law upon which exceptions were taken at the trial, and it shall be the duty of the court or judge upon the settlement of the bill to strike out of the same all the evidence and other matters which shall not have been necessarily inserted.

PUBLIC PROPERTY—Any Public Officer in possession of this book will deliver the same to his successor in office.

1903.

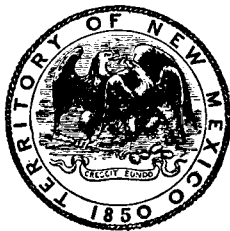
ACTS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEW MEXICO.



THIRTY-FIFTH SESSION,

Convened in the Capitol, at the City of Santa Fe, on Monday, the 19th
day of January, 1903, and adjourned the 19th
day of March, 1903.

Prepared for publication by

J. W. RAYNOLDS,

Secretary of the Territory.

BY AUTHORITY.

SANTA FE, N. M.:
NEW MEXICAN PRINTING COMPANY,
1903.

secretary shall, before entering upon the discharge of his duties give bond to the territory in the sum of five thousand dollars (\$5,000.00), which bond shall be approved by the secretary of New Mexico and filed in his office, and shall take and subscribe an oath of office as required by law.

Sec. 2. The assistant secretary shall have power, in the absence of the secretary, to file all instruments required by the laws of New Mexico to be filed in the office of the secretary of New Mexico, and to certify to copies thereof, under his hand and the great seal of the territory, with the same force and effect as if the same had been filed or certified by the secretary of the territory.

Sec. 3. This act shall be in force from and after its passage.

CHAPTER 76.

AN ACT ENTITLED AN ACT TO AMEND SECTION 1067 OF THE COMPILED LAWS OF 1897 RELATING TO THE MANNER IN WHICH THE DEATH PENALTY SHALL BE INFLICTED. *H. B. No. 110; Approved March 17, 1903.*

CONTENTS.

Sec. 1. Section 1037, Compiled Laws of 1897, regarding the manner of inflicting the death penalty. Amended.

Sec. 2. Limitation on number who shall witness execution.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Section 1067 of the Compiled Laws of 1897 is hereby amended by adding to said section the following: "And such execution shall be conducted privately, the sheriff conducting the same shall erect an inclosure within which said inclosure said execution shall take place, and the board of county commissioners in any county in this territory where it shall become necessary under the law to have an execution is hereby authorized and empowered to expend the necessary sum of money to erect such an inclosure as shall be private and not open to the public except as hereinafter provided: *Provided, further,* that the expenditure for such inclosure shall in no instance exceed the sum of two hundred dollars (\$200.00)."

Sec. 2. Hereafter executions in this territory shall not be witnessed by to exceed twenty persons including members of the medical profession, officers of the law, clergymen and representatives of the press, the said list to be prepared by the sheriff and approved by the judge of the district court.

This act shall take effect and be in force from and after its passage.

CHAPTER 77.

AN ACT IN RELATION TO THE MANAGEMENT OF THE TECOLOTE LAND GRANT. *H. B. No. 208; Approved March 17, 1903.*

CONTENTS.

- Sec. 1. Board of trustees. To manage and control.
- Sec. 2. Members of board of trustees. Qualifications.
- Sec. 3. Election of board of trustees. Notice to be published. Qualification of voters.
Term of office.
- Sec. 4. Board of trustees. Organization. Duties of president, secretary and treasurer.
- Sec. 5. Powers of board.
- Sec. 6. Meetings of board. Special meetings may be called. Compensation.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the management and control of that certain tract of land, known as the Tecolote land grant, situated in the County of San Miguel in the Territory of New Mexico and patented by the United States to the Town of Tecolote, is hereby vested in a board of trustees, to be elected as hereinafter provided, which said board of trustees shall be a body corporate under the name of the Board of Trustees of the Tecolote land grant, and with full power under such name to sue and be sued and with the further powers hereinafter enumerated.

Sec. 2. Members of such board of trustees shall be residents and owners of real estate within the limits of said Tecolote land grant.

Sec. 3. Upon petition of not less than twenty residents or owners of real property within said Tecolote land grant, it shall be the duty of the board of county commissioners of San Miguel county, to order an election to be held for the choice of such trustees and fix the time and place thereof, and to give ten days' notice of such election by publication in some newspaper of general circulation in said San Miguel county. At such election all actual residents within the limits of said Tecolote land grant, who are owners of real estate within the same and qualified electors at the general election held in this territory shall be qualified electors, and the five persons receiving the highest number of votes at such election, shall be by said board of county commissioners declared trustees of said grant and shall hold their offices for the term of two years and until their successors are elected

ACTS OF THE GENERAL ASSEMBLY

OF THE

Commonwealth of Kentucky

PASSED AT

The Regular Session of the General Assembly, which was begun and held in the City of Frankfort, Kentucky, on Tuesday, January the Fourth, 1910, and ended on Tuesday, March the Fifteenth, 1910.



PROPERTY OF THE COMMONWEALTH OF KENTUCKY

LOUISVILLE
THE CONTINENTAL PRINTING COMPANY
1910

CHAPTER 38.

AN ACT designating electrocution as the means of inflicting the death sentence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the period that this law shall take effect the mode of the execution of a death sentence must in every case be by causing to pass through the body of the condemned a current of electricity of sufficient intensity to cause death as quickly as possible, and the application of such current must be continued until the condemned is dead. All executions of the death penalty by electrocution shall take place within the walls of the State penitentiary, hereafter indicated by the Board of Prison Commissioners, and in such inclosure as will exclude public view thereof.

Death Penalty
to be by electro-
cution.

§ 2. The sheriff and jailer of the county in which the condemned under sentence of death is confined, shall, upon the order of the court in which the condemned was sentenced, cause said condemned person to be conveyed as expeditiously, privately and safely as may be, to said penitentiary, and to deliver said condemned person, together with a duly certified copy of the judgment ordering the execution, to the warden of said penitentiary, and the warden thereof shall receive said condemned person and safely keep the same until the day designated for the execution, unless said condemned person be otherwise disposed of by due course of law. Said sheriff shall be paid therefor the same fees as are now allowed sheriffs for the conveyance of persons convicted of felony to the penitentiary.

Sheriff and
jailer's duties.

Warden to execute sentence.

§ 3. The warden of said penitentiary or his deputy shall proceed at the time and place named in the judgment of the court in which the condemned person was tried and convicted to cause the same to be electrocuted according to the provisions of this act, before sunrise on the day designated in the judgment aforesaid, unless the execution be stayed by due process of law. The warden or his deputy executing the death sentence shall be paid therefor the sum of twenty dollars from the State Treasury.

Persons entitled to be present.

§ 4. The electrician and the warden of said penitentiary and his deputy or deputies and guards, the sheriff of the county in which the condemned was convicted, the Prison Commissioners, the physician and chaplain of the penitentiary, and a clergyman and three other persons selected by the condemned, and one representative of every newspaper published in the county in which the condemned was convicted, and one representative of every daily newspaper published in the State, may attend such execution, but no other persons shall be permitted to be present.

Disposition of body.

§ 5. The warden of said penitentiary shall make due return on the copy of the judgment of the court pronouncing the death sentence, of the manner, time and place of its execution by him, which return shall be made by the clerk of said court filed in the papers of the cause in his office.

§ 6. The body of the condemned shall be delivered to any friend or relative making request therefor, and the State shall pay the expense for the return of the body to its home, not to exceed thirty dollars, but if no such request is made, it shall be buried and the cost of such burial, not to exceed thirty dollars, shall be a claim against the treasury of the State.

§ 7. If the condemned under sentence of death escapes from custody and be recaptured after the expiration of the date fixed for the execution, the

Governor, upon being notified of such recapture by the warden of said penitentiary in writing, shall send his warrant of execution to said warden by special messenger and shall name therein the day of execution and thereupon the warden shall proceed to the execution thereof according to the provisions of this act.

Duty of Governor in certain instances.

§ 8. If the condemned under sentence of death be insane or pregnant with child on the day designated for the execution, said execution shall be suspended until said condemned be restored to his or her right mind or until she be delivered of child, and then said execution shall take place under the warrant of the Governor and at the time herein designated by him unless stayed by due process of law.

Disposition of accused insane or pregnant.

§ 9. There shall be installed and erected in the State penitentiary, under direction and management of the Prison Commission the necessary electrical apparatus for the electrocution of persons under sentence of death, and the sum of seven thousand dollars, or so much thereof as is necessary, is hereby appropriated for the purchase and installation of the same.

Appropriation

§ 10. This act shall not apply to crimes committed before this act takes effect; the punishment of such crimes shall be such as was prescribed by the law in effect when the crime was committed.

Time when act to be effective.

§ 11. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed.

Repeal.

Approved March 21, 1910.

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SESSION OF 1923

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,

Commencing Tuesday, January 9, 1923



WM. W. BRANDON, Governor

CHARLES S. McDOWELL, JR., Lieutenant-Governor

JAS. B. ELLIS, President Pro Tem. of the Senate

HUGH D. MERRILL, Speaker of the House

I, S. H. BLAN, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

S. H. BLAN,
Secretary of State.

BROWN PRINTING COMPANY
State Printers and Binders
Montgomery, Ala.
1923

who shall counsel, aid, procure or induce another to start, transmit or circulate any such statement or rumor shall be guilty of a misdemeanor.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 587.)

(S. 191. Inzer.

AN ACT

Providing for the execution of convicts, condemned to death, by electrocution, prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Sec. 1. Where the sentence of death is pronounced against a convict; the sentence shall be executed at any time before the hour of sunrise on the day set for the execution, not less than thirty nor more than one hundred days from the date of sentence, as the court may adjudge, by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of such convict until such convict is dead.

Sec. 2. The warden of Kilby Prison at Montgomery or in case of his death, disability or absence, his deputy shall be the executioner. In the event of the death or disability or absence of both the warden and deputy the executioner shall be that person appointed by the Board of Convict Supervisors for that purpose; provided, however, that up to and including January 1, 1927, the executioner shall be the Sheriff from the county in which such convict is condemned to death or shall be the Deputy of such sheriff or in the absence or disability of such sheriff or his deputy, shall be such other person as may be appointed by the Board of Convict Supervisors for that purpose, and provided further, that such sheriff, his deputy or such other person as may be appointed by the Board of Convict Supervisors to act as executioner as provided in this section shall receive for such service the same amount as is now paid by law to Sheriffs for the execution of criminals.

Sec. 3. Whenever any person is sentenced to death, the clerk of the court in which the sentence is pronounced, shall, within ten days after sentence has been pronounced, issue a warrant under the seal of the court for the execution of the sentence of death, which shall recite the fact of conviction, setting forth specifically the offense, the judgment of the court, the time fixed for his execution, and directed to the warden of Kilby Prison at Montgomery, commanding him to proceed, at the time

and place named in the sentence, to carry the same into execution, as provided in Section 1 of this Act, and shall deliver such warrant to the sheriff of the county in which such judgment of conviction was had to be by him delivered to the said warden together with the condemned person, as provided in the following section.

Sec. 4. Immediately upon the receipt of such warrant, the sheriff shall transport such condemned person to Kilby Prison at Montgomery, and shall there deliver him and the warrant aforesaid into the hands of the warden and shall take from the warden his receipt for such person and such warrant, which receipt the sheriff shall return to the office of the clerk of the court where the judgment of death was rendered. For his services, the sheriff shall be entitled to the same compensation as now provided by law to sheriffs for removing or conveying prisoners.

Sec. 5. Upon the receipt of such condemned person by the warden of Kilby Prison, he shall be confined therein until the time for his execution arrives, and while so confined, all persons outside the said prison shall be denied access to him except his physician and lawyer, who shall be admitted to see him when necessary to his health or for the transaction of business, and the relatives, friends and spiritual advisors of the condemned person, who shall be admitted to see and converse with him at all proper times, under such reasonable rules and regulations as may be made by the Board of Convict Supervisors.

Sec. 6. The execution shall take place inside the walls of Kilby Prison at Montgomery, in a room arranged for that purpose. It shall be the duty of the Board of Convict Supervisors of this State to provide the necessary room and appliances to carry out the electrocution as provided in this Act.

Sec. 7. The following persons may be present at the execution and none other: the executioner and such persons as may be necessary to assist him in conducting the execution; the Board of Convict Supervisors, two physicians, including the prison physician; the spiritual advisor of the condemned; the chaplain of Kilby Prison; such newspaper reporters as may be admitted by the warden; and any of the relatives or friends of the condemned person that he may request, not exceeding five in number, shall be admitted, provided no convict shall be permitted by the prison authorities to witness the execution.

Sec. 8. If the person condemned escape after sentence and before his delivery to the warden, and be not rearrested until after the time fixed for execution, any person may arrest and commit him to the jail of the county in which he was sentenced: and thereupon the court by whom the condemned was sentenced, either in term time or vacation, or notice of such arrest being

given by the sheriff, shall again appoint a time for the execution, not less than thirty days from such appointment which appointment shall be by the clerk of said Court immediately certified to the warden of Kilby Prison and such clerk shall place such certificate in the hands of the sheriff, who shall deliver the same, together with the warrant aforesaid and the condemned person, to the warden who shall receipt to the Sheriff for the same and proceed at the appointed time to carry the sentence of death into execution as hereinabove provided.

Sec. 9. If the condemned person escape after his delivery to the warden, and be not retaken before the time appointed for his execution, any person may arrest and commit him to Kilby Prison, whereupon the warden shall certify the fact of his escape and recapture to the court in which sentence was passed; and the court, either in term time or vacation, shall again appoint a time for the execution, which shall be not less than thirty days from the date of such appointment; and thereupon the Clerk of such court shall certify such appointment to the warden, who shall proceed at the time so appointed to execute the condemned, as hereinabove provided.

Sec. 10. When execution of sentence is suspended or respited to another date, the same shall be noted on the warrant and on the arrival of such date the warden shall proceed with such execution; and if he should be pardoned, or his sentence commuted by the Governor, no execution shall be had, but in such case, as well as when the sentence is executed, the warden shall return the warrant and certificate, with a statement of any such act and with his proceedings endorsed thereon, together with the statement that the body of the convict was decently buried or delivered to his relatives or friends, naming them, or to some other person, by consent of the convict, naming such person, and naming two or more witnesses to the fact that the convict consented that his body might be delivered to such person, to the clerk of the court in which sentence was passed, who shall record said warrant and return in the minutes of the court. The State shall pay transportation charges of the body, back to the home of the condemned person where his or her family or friends cannot pay such expenses, this fact to be determined by the Board of Convict Supervisors.

Section 11. On or before the first day of October, 1926, the Board of Convict Supervisors shall begin the construction of such necessary room or building as may be required to carry out the provisions of this Act, and shall continue such construction until said room or building is completed; and said Board of Convict Supervisors shall also, on or before the said 1st day of October, 1926, contract for the purchase of such necessary appliances as may be required to carry out the provisions of this

Act; and when the execution of a person sentenced to the punishment of death is set for a day subsequent to the last day of February, 1927, the execution of such sentence must be as provided in this Act; but when the execution of such sentence is set for a day prior to the 1st day of March, 1927, the execution of such sentence must be as now provided by Article 7 of Chapter 278 of the Code of 1907.

Sec. 12. That sections 7639, 7640, 7641, 7642, 7643, 7648, 7649, 7650, 7651, and 7652 of Article 7 of Chapter 278 of the criminal Code of 1907, be and the same are hereby specifically repealed and that all laws, and parts of laws, in conflict herewith are hereby repealed.

Approved Sept. 29, 1923.

No. 588.)

(S. 326. Pelham.

AN ACT

To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the Commissioner of Game and Fisheries, with and by the consent of the Governor, shall proceed to acquire in fee simple title to the State, or to lease, or to make such other arrangements as may be found more effective and advantageous, such lands or tracts, streams, springs, water-courses, or ponds, as may be deemed suitable for the purpose, and thereupon shall proceed to raise or propagate such quantities and species of edible game fish as are possible to raise.

Sec. 2. That the young fish, fry or fingerling, so raised at or in the said fish cultural stations, shall be distributed without cost for said young fish to citizens of Alabama for restocking appropriate and suitable public streams, lakes or ponds of this State, said quantities and methods of distribution to be under regulation of the Commissioner of Game and Fisheries.

Sec. 3. The Commissioner of Game and Fisheries shall be authorized and empowered to make such improvements upon property acquired by the State for fish cultural stations as, in his opinion, he deems necessary for the successful propagation of edible game fish, to employ help and assistance, to purchase or otherwise acquire brood fish, to make such necessary expenditures in connection with such fish culture as may be needful.

Sec. 4. That for the purpose of carrying out the provisions of this Act, there is hereby imposed fishing license fees as fol-

REGULAR SESSION 1939

GENERAL ACTS AND RESOLUTIONS

ADOPTED BY THE
LEGISLATURE OF FLORIDA

At Its Twenty-seventh Regular Session

April 4 to and Including June 2, 1939

UNDER THE CONSTITUTION OF A. D. 1885



PUBLISHED BY AUTHORITY OF LAW

VOLUME 1

1939

assessed or adjudged against them as punishment therefor, shall have the right on being taken into custody by the proper officer of the court, or prior to such arrest, to give bail for the payment of such fine and the costs of prosecution. Such bail shall be by bond, conditioned for the payment of the fine and costs, executed by the defendant and one or more good and responsible persons to be approved by the court, if in session at the time; otherwise by the sheriff or the officer charged with the execution of the judgment.

(2) The bond shall be made payable in ninety days from the date thereof to the Governor of this State and his successors in office, and if not paid at the expiration of the ninety days, the sheriff or other officer aforesaid shall endorse on the bond that default has been made in the payment, and having signed such endorsement, shall file the bond with the clerk of the court in which judgment was rendered, and the clerk shall forthwith issue execution for the amount of the fine and costs against the security or bail, as if there had been judgment at law on such bond, and the same proceedings shall be had as in cases of other executions, and the person convicted shall be liable to be proceeded against, as if no such bond had been given, until the same has been fully paid and satisfied.

SECTION 261. SENTENCES WHEN TO BE CONCURRENT AND WHEN CONSECUTIVE. When the defendant has been convicted of two or more offenses charged in the same indictment or information or in consolidated indictments or informations, the terms of imprisonment shall be served concurrently unless the court expressly directs that they or some of them be served consecutively. Sentences or imprisonment for offenses not charged in the same indictment or information shall be served consecutively unless the court expressly directs that they or some of them be served concurrently.

Concurrent
or consecu-
tive sen-
tences.

CHAPTER 22. EXECUTION.

SECTION 262. COMMITMENT OF DEFENDANT—DUTY OF SHERIFF. Upon pronouncement of a sentence imposing a penalty other than a fine only or death the court shall, unless the execution of the sentence is suspended or stayed, and, in such case, upon revocation of the suspension or termination of the stay, forthwith commit the defendant to the custody of the sheriff together with a certified copy of the sentence, and the sheriff shall thereupon, within a reasonable time, if he is not the proper official to execute the sentence, transfer the defendant, together with the

Duty of
Sheriff on
commitment
of Defendant.

Chap. 19554
1939

copy of the sentence, to the custody of the official whose duty it is to execute the sentence, and shall take from such official a receipt for the defendant and make a return thereof to the court.

SECTION 263. EXECUTION OF SENTENCE IMPOSING FINE. If the sentence imposes a fine with or without imprisonment execution may be issued thereon as on a judgment in a civil execution.

Habeas Cor-
pus while
serving
sentence.

SECTION 264. HABEAS CORPUS WHILE SERVING SENTENCE. (1) When a defendant has been sentenced, and is actually serving his sentence, and has not appealed from the judgment or sentence, but seeks his release from imprisonment by habeas corpus proceedings, and the Writ has been refused, or the Writ has been discharged after it has been issued, the custody of the prisoner shall not be disturbed, pending a review by the appellate court.

(2) Pending a review of a decision discharging a prisoner on habeas corpus, he shall be discharged upon bail, with sureties to be approved as other bail bonds are approved, for his appearance to answer and abide by the judgment of the appellate proceeding.

Application
for discharge.

SECTION 265. APPLICATION FOR DISCHARGE. When any person sentenced by any court of the State of Florida to pay a fine or fine and costs, whether with or without imprisonment, had been confined in prison sixty days, solely for the non-payment of such fine and costs, he may make application in writing to the judge of any circuit court or criminal court of record in the county where he is confined, setting forth his inability to pay such fine, or fine and costs, and the judge of such court shall proceed to hear and determine the matter, and if, upon examination, it shall appear to him that such person is totally unable to pay such fine or fine and costs, and that he has not any property, exceeding twenty dollars in value, the judge of such court shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit, so help me God." And thereupon such person shall be discharged from further custody, the judge giving the jailer or keeper of the jail a certificate setting forth the facts.

Forms of
sentence.

SECTION 266. FORMS OF SENTENCE TO STATE PRISON AND COUNTY JAIL. (a) When punishment of imprisonment

in the State prison is awarded against any convict, the form of the sentence shall be that he be imprisoned by confinement at hard labor.

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(b) When punishment of imprisonment in the County Jail is awarded against any convict, the court may also sentence the prisoner to be employed at hard labor; and in such case, he may be employed at such manual labor as the County Commissioners may direct.

SECTION 267. EXECUTION AND SENTENCE OF DEATH —WHO MAY SUSPEND. The execution of a sentence of death shall not be suspended or stayed, apart from the stay incident to an appeal, except by the governor.

Suspension
of Death
Sentence.

SECTION 268. PROCEEDINGS WHEN PERSON UNDER SENTENCE OF DEATH APPEARS TO BE INSANE. (1) If there is reasonable ground to believe that a defendant under sentence of death has become insane since he was sentenced the warden of the State penitentiary shall immediately notify the governor thereof who shall suspend execution of the sentence until he issues a warrant for its execution. On suspending sentence the governor shall appoint a commission consisting of two competent disinterested physicians to examine into the defendant's mental condition. The commission so appointed may call and examine witnesses and compel their attendance. The commission shall report its finding to the governor. The physicians constituting the commission shall be allowed such fees as the governor deems reasonable, which fees shall be paid by the State.

Insanity of
person under
death sen-
tence.

(2) If the governor after receiving the report of the commission decides that the defendant is sane, he shall issue a warrant to the warden directing him to execute the sentence at the time designated in said warrant.

(3) If the governor after receiving the report of the commission decides that the defendant is insane, he shall take steps to have the defendant committed to the State Hospital for the Insane. If thereafter the proper officer of such institution is of the opinion that the defendant is sane he shall report this fact to the governor, whereupon the governor shall appoint a commission consisting of two competent disinterested physicians to determine whether the defendant has been restored to sanity. The commission shall have the same powers and be allowed the same fees as are provided for in this Code in insanity proceedings. If after the report of the commission, the governor decides that the defendant has been restored to sanity he shall cause the defend-

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Pregnancy
of person
under death
sentence.

ant to be returned to the custody of the warden of the state penitentiary and shall issue a warrant to the said warden directing him to execute the sentence at a time designated in said warrant.

SECTION 269. PROCEEDINGS WHEN PERSON UNDER SENTENCE OF DEATH APPEARS TO BE PREGNANT. (1) If there is ground to believe that a defendant under sentence of death is pregnant the warden shall immediately notify the governor thereof who shall suspend execution of the sentence until he issues a warrant for the execution of the sentence. On suspending the sentence the governor shall appoint a commission consisting of two competent disinterested physicians to examine the defendant as to such pregnancy. The commission shall report its finding to the governor. The physicians constituting the commission shall be allowed such fees as the governor deems reasonable, which fees shall be paid by the state.

(2) If the governor after receiving the report of the commission decides that the defendant is not pregnant he shall issue a warrant to the warden directing him to execute the sentence at the time designated in said warrant.

(3) When the warden is satisfied that a defendant under sentence of death who has been found to be pregnant is no longer pregnant he shall so notify the governor who, upon receiving the notice, shall issue to the warden a warrant directing him to execute the sentence at a time designated in said warrant.

SECTION 270. CAPITAL CASES. Whenever any person shall be convicted of any crime for which sentence of death shall be awarded against him, the clerk of the court as soon as may be shall make out and deliver to the sheriff of the county a certified copy of the whole record of the conviction and sentence, and the sheriff shall forthwith remit the same to the Governor, and the sentence of death shall not be executed upon such convict until a warrant shall be issued by the Governor, under the seal of the State, with the copy of the record thereto annexed commanding the execution of the sentence of death to be done, and fixing therein some designated week, beginning with Monday, in which week such sentence shall be executed pursuant to such warrant and according to the manner and means hereinafter prescribed.

Issuance of
Death War-
rant by
Governor.

How punish-
ment of
death in-
flicted.

SECTION 271. HOW PUNISHMENT OF DEATH INFLICTED. On and after January 1st, A. D. 1924, death by hanging as a means of punishment for crime in Florida is hereby

abolished and electrocution, or death by electricity substituted therefor. Punishment of death shall in all cases be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause immediately death, and the application of such current must be continued until such convict is dead, and the sentence of death shall, at the time directed by the warrant, be executed within the walls of permanent death chamber, which the Commissioners of State Institutions are hereby authorized and required to provide at the State prison farm or such other place in the State of Florida, as such Commissioners of State Institutions shall establish, and the superintendent of the State prison, or in the case of his death, disability or absence, a deputy shall be executioner. The superintendent of the State prison shall cause to be provided in conformity with this section and approved by the Governor and Commissioners of State Institutions the necessary electric chair or other appliances for the infliction of the punishment of death in accordance with the requirements of this section. Before every execution, the death warrant authorizing the same shall be distinctly read in the presence of the condemned person to be executed immediately prior to the infliction of death as heretofore provided.

SECTION 272. REGULATION OF EXECUTION. The superintendent of the State prison or some authorized deputy by him to be designated shall be present at the execution, and for the purpose of executing sentences of death as provided by law, the sheriff of the county wherein the conviction was had shall be ex-officio deputy executioner of such sentence of death and shall be present at the execution unless he be prevented by sickness or other disability. Not less than five days prior to the week of execution, the person sentenced to death shall be kept securely in or adjacent to the permanent death chamber, and the sentence of death shall be carried out on some week day of the week fixed by the Governor as the week of execution, the time of carrying out such sentence to be decided by the superintendent of the State prison, or his deputy in his absence, death or disability. All executions shall be carried out by the executioner, deputy executioner and such deputies, electricians and assistants as he may require to be present to assist, and shall be in the presence of a jury of twelve respectable citizens who shall be requested to be present and witness the same, and all other persons other than jury, the counsel for the criminal, such

Regulation of
execution.

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ministers of the gospel as the criminal shall desire, officers of the prison, deputies and guards shall be excluded during the execution. The executioner or his deputy shall require the presence of at least one competent practicing physician, or the physician of the prison, who shall examine the convict during the execution and announce when death has been inflicted on such convict. Representatives of the press shall be permitted to be present at the execution under regulations to be approved by the Board of State Institutions. Upon the completion of the infliction of death, the dead body of the convict shall be dressed for burial and delivered to the relatives of the deceased if they shall have requested that such be done, such delivery to be at the gates of the prison and if no other receptacle has been provided, shall be delivered in a plain coffin whose cost shall not exceed fifteen dollars. In the event the body shall not have been claimed by relatives on or before the day of execution, such body shall be delivered to such physicians as may request the same for dissection, or shall be buried or disposed of as convicts dying in the State prison are buried or disposed of. In all cases where sentence of death has been pronounced against any person to be executed by electrocution as hereinbefore provided, the convicted person shall be delivered by the sheriff of the county to the superintendent of the State prison at the place of execution, as soon as may be after receipt of the death warrant for such convict from the Governor.

Return of
warrant.

SECTION 273. RETURN OF WARRANT. After punishment of death has been inflicted upon any convict in obedience to the warrant of the Governor, the officer in charge of such execution shall return the warrant as soon as may be with a statement under his hand of his doings therein, to the Governor, and shall also file in the clerk's office where the conviction was had, an attested copy of the warrant and the statement aforesaid, and such shall be by the clerk recorded in the minutes of the court whose judgment was thus executed.

Death war-
rant issued
by Appellate
Court.

SECTION 274. SENTENCE OF DEATH UNEXECUTED BECAUSE OF APPEAL—DUTY OF COURT ON AFFIRMING. "When a judgment or sentence of death has been affirmed on appeal, after the time appointed for the execution of the sentence, the appellate court shall fix a new time for the execution of the sentence, and if the Governor fails or omits to issue his warrant carrying said sentence into execution, then the appellate court shall issue a warrant to the proper official, direct-

ing him to execute the sentence at a time designated in said warrant.”

Chap. 19554
1939

SECTION 275. SENTENCE OF DEATH UNEXECUTED FOR REASONS OTHER THAN APPEAL. If, for any reason, a sentence of death has not been executed, or, if the Governor fails or omits to issue a death warrant as provided in this Code, and there appears to be no legal ground why such sentence was not executed, the court which pronounced the sentence or any judge thereof or any court having appellate jurisdiction in capital cases, or any judge thereof, upon application by the attorney-general or by the prosecuting attorney of the county in which the conviction was had shall, if the defendant is in custody, order the official in whose custody he is to bring him before the judge issuing the order, or, if the defendant is at large, shall issue a warrant for his arrest directing that he be brought before the judge issuing the warrant. Upon his appearance the judge shall inquire into the circumstances and if no legal ground is found why the sentence should not be executed, the judge shall issue a warrant to the proper official directing him to execute the sentence at a time designated in said warrant.

Death War-
rant may be
issued by
certain
judges.

SECTION 276. RETURN OF WARRANT. After punishment of death has been inflicted upon any convict in obedience to the warrant, the officer in charge of such execution shall return the warrant as soon as may be with a statement under his hand of his doing therein, to the court issuing the warrant, and if the warrant has been issued by the appellate court, the officer in charge of the execution shall also file in the clerk's office where the conviction was had, an attested copy of the warrant and the statement aforesaid, and such shall be by the clerk recorded in the minutes of the court, whose judgment was thus executed; and there shall also be filed with the Governor an attested copy of the warrant and the statement aforesaid.

Return of
warrant.

Chapter 23.

FORM OF INDICTMENT AND OTHER FORMS

SECTION 277. CRIMINAL REPORT. It shall be the duty of each committing magistrate at the time commitment papers are sent by him to the proper trial court, and of the sheriff when an arrest is made, other than on a capias, to transmit to the prosecuting attorney of the trial court having jurisdiction, a report in the following form:

Form of
Criminal Re-
port by
Committing
Magistrate.

**OFFICIAL
SESSION LAWS**

1 9 5 1

**Enacted by the Regular Session of the
Twenty-Third Legislature of the
State of Oklahoma.**

**Convened January 2, 1951
Adjourned May 18, 1951**

**JOHNSTON MURRAY, Governor
Boyd Cowden, President Pro Tempore of the Senate
James M. Bullard, Speaker of the House of Representatives**

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1951**

ACTS OF THE TWENTY-THIRD LEGISLATURE

CHAPTER 17a.

HOUSE BILL NO. 65.

AN ACT relating to execution of death penalties; amending 22 O. S. 1941, § 1015; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Section 1. Place of Execution—Persons Who May be Present. 22 O.S. 1941, § 1015, is hereby amended to read as follows:

§ 1015. A judgement of death must be executed within the walls of the state prison at McAlester, Oklahoma, said prison to be designated by the court by which judgment is to be rendered. The warden of the said state prison must be present along with other necessary prison officials at the execution and must invite the presence of a physician and the county attorney, and sheriff of the county wherein the conviction was had, to witness the execution; and he shall, at the request of the defendant, permit the presence of such ministers of the Gospel, not exceeding two (2), and any persons, relatives or friends, not to exceed five (5), as the defendant may name; provided, newspaper men from recognized newspapers, press, and wire services, and radio reporters will be admitted upon proper identification, application and approval of the warden. No other person than those mentioned in this Section can be present at the execution.

Approved May 1, 1951. Emergency.

CHAPTER 25—Miscellaneous Provisions.

HOUSE BILL NO. 360.

AN ACT relating to compensation of counsel assigned defendant in criminal cases; amending 22 O.S. 1941 § 1271; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Section 1. Compensation of Counsel Assigned Defendant—Exception in Certain Counties. 22 O. S. 1941 § 1271 be and the same is hereby amended to read as follows:

In all criminal cases triable in the State of Oklahoma, where it is satisfactorily shown to the court that the defendant has no means and is unable to employ counsel, the court shall, in all such cases, where counsel is appointed and assigned for defense, allow and direct to be paid by the county in which such trial is had, a reasonable and just compensation to the attorney or attorneys, so assigned for such services as they may render. Provided, however, that such attorney shall not be paid a sum to exceed One Hundred Dollars (\$100.00) in any one case, the specific amount to be left to the discretion of the presiding judge, and, provided, further, that the provisions of this Section shall not apply to counties with a population in excess of two hundred thousand (200,000) according to the last preceding regular Federal Decennial Census.

Approved May 16, 1951. Emergency.

TITLE 25

Definitions and General Provisions.

HOUSE BILL NO. 460.

AN ACT relating to legal publications; amending 25 O.S. Supp. 1949, § §§ 109, 110, and 111; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Section 1. Suspension of Publication Because of Induction or Enlistment. 25 O.S. Supp. 1949, § 109 is amended to read:

§ 109. From and after the effective date of this Act all newspapers in this state having the status of a legal publication under existing laws, which by reason of induction or enlistment into the Armed Service of the United States of the owner or principal owner thereof, in the war between the United States of America, Germany, Italy and Japan, or in service during a state of National Emergency as declared by the President of the United States, which are forced to suspend publication, may upon resuming publication do so without loss of status as such legal publication by reason of the

L A W S
OF THE
STATE OF MISSISSIPPI

APPROPRIATIONS
GENERAL LEGISLATION AND
RESOLUTIONS

PASSED AT A REGULAR SESSION OF THE MISSISSIPPI
LEGISLATURE HELD IN THE CITY OF JACKSON
COMMENCING ON TUESDAY, JANUARY 5, 1954
AND ENDING THURSDAY, MAY 6, 1954



(Local and Private Laws of 1954 are published
in separate volume)

Published by Authority

1 9 5 4

Numerical List of House and Senate Bills, and General
Index Appear in the Back of this Volume

OFFICE OF
SECRETARY OF STATE

Jackson, Mississippi, May 6, 1954

I, Heber Ladner, Secretary of State of the State of Mississippi, do hereby certify that the acts and resolutions contained in this volume have been compared with the original enrolled acts and resolutions now on file in this office, and the same are true and correct copies.

The apparent omissions of words and inaccuracies of language appear in the enrolled acts.

WITNESS my hand and seal of office, this 6th day of May, 1954



Heber Ladner
Secretary of State

Section 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1954.

CHAPTER 220

HOUSE BILL No. 117

AN ACT to amend Sections 2550, 2551, and 2555, Mississippi Code of 1942, to provide the use of lethal gas as the means of inflicting capital punishment; to specify the place of execution; and to repeal Sections 2552, 2553, 2554, 2556, and 2557, Mississippi Code of 1942; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Section 2550, Mississippi Code of 1942, is hereby amended to read as follows:

2550. The manner of inflicting the punishment of death shall be by lethal gas, that is, by causing the person sentenced to suffer the death penalty to be placed in a properly constructed gas chamber, and then causing said gas chamber to be filled with a lethal gas commonly used in the execution of persons sentenced to suffer the death penalty, and the person placed therein allowed to remain a sufficient length of time to cause death.

Section 2. Section 2551, Mississippi Code of 1942, is hereby amended to read as follows:

2551. Whenever any person shall be condemned to suffer death by lethal gas for any crime for which such person shall have been convicted in any court of any county of this state, such punishment shall be inflicted within the confines of the building housing the lethal gas chamber in Hinds County, Mississippi. The sheriff of the county of conviction, or his duly authorized representative, shall perform such execution.

When a person is sentenced to suffer death by lethal gas, it shall be the duty of the clerk of the court to deliver forthwith to the sheriff of the county of conviction a warrant for the execution of the condemned person. It shall be the duty of the sheriff of the county of conviction forthwith to notify the sheriff of Hinds County of the date and hour of execution and it shall be the duty of the sheriff of Hinds County, or his duly authorized representative as hereinafter provided, to be present at such execution and to have general supervision over such execution. In addition to the above designated persons, the sheriff of Hinds County, by at least three (3) days' previous notice, shall secure the presence at such execution of two physicians and bona fide members of the press, not to exceed eight (8) in number, at the request of the condemned, such ministers of the gospel not exceeding two (2) as said condemned person shall name. He shall also name to be present at the execution such officers or guards

as may be deemed by him to be necessary to insure proper security. No other persons shall be permitted to witness the execution, except the sheriff may permit two (2) members of the condemned person's immediate family as witnesses, if they so request. No person shall be allowed to take photographs of any type during the execution.

The sheriff of Hinds County, or his duly authorized representative, and the physician or physicians who witnessed such execution shall prepare and sign officially a certificate setting forth the time and place thereof and that such criminal was then and there executed in conformity to the sentence of the court and the provisions of this act, and shall procure the signatures of the other public officers and persons who witnessed such execution which certificate shall be filed with the clerk of the court where the conviction of the criminal was had and the clerk shall subjoin the certificate to the record of the conviction and sentence.

The body of the person so executed shall be immediately released by the sheriff of Hinds County, or his duly authorized representative, to the relatives of the dead person, or to such friends as may claim the body, and the county wherein the crime was committed shall bear the expense of returning and burial of the body. If no relatives or friends claim the body, then and in that event, the body shall be buried in a cemetery convenient to the place of execution, as provided by law.

Section 3. Section 2555, Mississippi Code of 1942, is hereby amended as follows:

2555. The sheriff of Hinds County, Mississippi, or his duly authorized representative, is hereby designated to supervise the operation of the lethal gas chamber, as the same is herein provided. The sheriff of Hinds County shall receive for his services in connection therewith such compensation as may be provided by law not to exceed two hundred fifty dollars (\$250.00) for each such execution and the sheriff of the county of conviction shall receive for his services in carrying out such execution such compensation as may be provided by law not to exceed two hundred fifty dollars (\$250.00) for each such execution. The expense of the actual execution and the amounts authorized to be paid under the provisions of this section shall be borne by the county where the crime was committed and a detailed list of such expenses shall be prepared by the sheriff of Hinds County and forwarded to the county of conviction for payment as other claims are now presented. In the event that Hinds County is also the county of conviction, the sheriff of Hinds County, or his duly authorized representative, shall actually perform such execution, as provided for herein, and shall be entitled to receive compensation for his services therefor, in addition to his compensation as supervisor of the execution.

The sheriff of Hinds County shall be the custodian of the lethal gas chamber, in the event that such chamber is installed in the Hinds County Courthouse. In the event that such chamber is located elsewhere in Hinds County, the secretary of state is hereby designated as custodian of said property. All the expenses for the maintenance and protection of the property, together with operating expenses which as a practical matter cannot be allocated to the county of conviction, shall be paid out of funds designated for that purpose by law.

Section 4. This act shall apply to all cases in which there has been a sentence of capital punishment. Provided, however, in all cases where sentence of death was imposed prior to the passage of this act, the one so sentenced shall have the choice of receiving the death penalty under this act or as provided by law prior to the date of the passage of this act; provided, such lethal gas chamber has been constructed prior to the execution date, and provided, such choice is expressed to the sheriff of the county where the sentence was imposed at least five (5) days before the date of execution, and in case such option is not so exercised within such time, then the condemned will be put to death under the provisions of the state law which was in effect prior to the passage of this act.

Section 5. If any phrase, clause, sentence or part of this act be declared unconstitutional, the same shall not affect the validity of this act, but the other parts of this act shall remain unimpaired and in full force and effect.

Section 6. Sections 2552, 2553, 2554, 2556, and 2557, Mississippi Code of 1942, are hereby repealed.

Section 7. This act shall take effect and be in force from and after December 31, 1954.

Approved March 24, 1954.

CHAPTER 221

HOUSE BILL No. 119

AN ACT making the larceny of timber a crime and prescribing the punishment therefor.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Any person who shall knowingly, willfully and feloniously take, steal and carry away from the lands of another any merchantable timber on the property of another, of the value of less than twenty-five dollars (\$25.00), whether such timber be growing, standing or lying on said lands, shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine of not less than two hundred dollars (\$200.00)

1979 SESSION LAWS
OF
SOUTH DAKOTA

PASSED BY THE FIFTY-FOURTH SESSION OF THE
LEGISLATIVE ASSEMBLY. BEGUN AND HELD IN
PIERRE ON JANUARY 16, 1979 AND CONCLUDED
ON MARCH 30, 1979.

OFFICIAL EDITION

23A-20-28. A court may direct that not more than six jurors in addition to the regular jury members be called and impaneled to sit as alternate jurors. Alternate jurors, in the order in which they were called, shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be disqualified, discharged, or unable to perform their duties. Alternate jurors shall be drawn at the same time and in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict.

Section 50. That § 23A-20-29 be amended to read as follows:

23A-20-29. If, before the jury retires, a juror or alternate or a member of his immediate family dies, or if he or a member of his immediate family becomes ill, or upon other good cause shown to the court, the court may order him discharged.

Approved March 27, 1979

CHAPTER 160

(S.B. 53)

DEATH PENALTY PROVIDED FOR CERTAIN CRIMES

AN ACT

ENTITLED, An Act to provide the death penalty for certain crimes and the procedure for implementing such a sentence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That subdivision (1) of § 22-6-1 be amended to read as follows:

- (1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence than death or life imprisonment may not be given for a Class A felony;

Section 2. That § 22-16-4 be amended to read as follows:

22-16-4. Homicide is murder when perpetrated without authority of law and with a premeditated design to effect the death of the person killed or of any other human being, or when committed by a person engaged in the perpetration of, or attempt to perpetrate, any arson, rape, robbery, burglary, kidnapping, or unlawful throwing, placing, or discharging of a destructive device or explosive.

Section 2A. That § 22-16-9 be amended to read as follows:

22-16-9. Homicide is manslaughter in the first degree when perpetrated without any design to effect death by a person engaged in the commission of any felony other than as provided in § 22-16-4.

Section 3. That § 22-19-1 be amended to read as follows:

22-19-1. Any person who shall seize, confine, inveigle, decoy, abduct or carry away any person and hold or detain such person, except in the case of an unmarried minor by a parent thereof, for any of the following reasons:

- (1) To hold for ransom or reward, or as a shield or hostage;
- (2) To facilitate the commission of any felony or flight thereafter;
- (3) To inflict bodily injury on or to terrorize the victim or another;
or
- (4) To interfere with the performance of any governmental or political function;

is guilty of kidnapping. Kidnapping is a Class 1 felony, except if the person has inflicted a gross permanent physical injury on the victim, in which case it is a Class A felony.

Section 4. If, upon a trial by jury, a person is convicted of a Class A felony, a sentence of death shall not be imposed unless the jury verdict at the presentence hearing includes a finding of at least one aggravating circumstance and a recommendation that such sentence be imposed. If an aggravating circumstance is found and a recommendation of death is made, the court shall sentence the defendant to death. If a sentence of death is not recommended by the jury, the court shall sentence the defendant to life imprisonment. The provisions of this section shall not affect a sentence when the case is tried without a jury or when a court accepts a plea of guilty.

Section 5. In all cases in which the death penalty may be imposed and which are tried by a jury, upon a return of a verdict of guilty by the jury, the court shall resume the trial and conduct a presentence hearing before the jury. Such hearing shall be conducted to hear additional evidence in mitigation and aggravation of punishment. Upon the conclusion of the evidence and arguments of counsel, the judge shall give the jury appropriate instructions and the jury shall retire to determine whether any mitigating or aggravating circumstances, as defined in section 7 of this Act exist. The instructions as determined by the trial judge to be warranted by the evidence shall be given in his charge and in writing to the jury for its deliberation. The jury, if its verdict is a recommendation of death, shall designate in writing, signed by the foreman of the jury, the aggravating circumstance or circumstances which it found beyond a reasonable doubt. Upon the findings of the jury, the judge shall fix a sentence of death.

Section 6. In nonjury cases the judge shall, after conducting the presentence hearing as provided in section 5 of this Act, designate, in writing, the aggravating circumstance or circumstances, if any, which he found beyond a reasonable doubt. Unless at least one of the statutory aggravating circumstances enumerated in section 7 of this Act is so found, the death penalty shall not be imposed.

Section 7. Pursuant to sections 5 and 6 of this Act, in all cases for which the death penalty may be authorized, the judge shall consider, or he

shall include in his instructions to the jury for it to consider, any mitigating circumstances and any of the following aggravating circumstances which may be supported by the evidence:

- (1) The offense was committed by a person with a prior record of conviction for a Class A felony, or the offense of murder was committed by a person who has a substantial history of serious assaultive criminal convictions;
- (2) The defendant by his act knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person;
- (3) The defendant committed the offense for himself or another, for the purpose of receiving money or any other thing of monetary value;
- (4) The defendant committed the offense on a judicial officer, former judicial officer, prosecutor or former prosecutor while such prosecutor, former prosecutor, judicial officer or former judicial officer was engaged in the performance of his official duties or where a major part of the motivation for the offense came from the official actions of such judicial officer, former judicial officer, prosecutor or former prosecutor;
- (5) The defendant caused or directed another to commit murder or committed murder as an agent or employee of another person;
- (6) The offense was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim;
- (7) The offense was committed against a law enforcement officer, employee of a corrections institution or fireman while engaged in the performance of his official duties;
- (8) The offense was committed by a person in, or who has escaped from, the lawful custody of a law enforcement officer or place of lawful confinement; and
- (9) The offense was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another.

Section 8. Upon a verdict or judgment of death made by a jury or a judge, it shall be the duty of the judge presiding at the trial to sentence such convicted person to death and to make such sentence in writing, which shall be filed with the papers in the case against such convicted person. A certified copy thereof shall be sent by the clerk of the court in which the sentence is pronounced to the warden of the state penitentiary, not less than ten days prior to the time fixed in the sentence of the court for the execution of the sentence.

Section 9. If the death penalty is imposed, and if the judgment becomes final in the trial court, the sentence shall be reviewed on the record by the South Dakota Supreme Court. The clerk of the trial court, within ten days after receiving the transcript, shall transmit the entire record and transcript to the Supreme Court together with a notice prepared

by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The Supreme Court shall consider the punishment as well as any errors enumerated by way of appeal.

Section 10. With regard to the sentence, the Supreme Court shall determine:

- (1) Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and
- (2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in section 7 of this Act; and
- (3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

Section 11. Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court.

Section 12. The court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:

- (1) Affirm the sentence of death; or
- (2) Set the sentence aside and remand the case for resentencing by the trial judge based on the record and argument of counsel. The records of those similar cases referred to by the Supreme Court in its decision, and the extracts prepared as hereinafter provided for, shall be provided to the resentencing judge for his consideration.

Section 13. The Supreme Court shall accumulate the records of all capital felony cases in which sentence was imposed after January 1, 1970, or such earlier date as the court may deem appropriate.

The court may employ an appropriate staff and such methods to compile the data as are deemed by the chief justice to be appropriate and relevant to the statutory questions concerning the validity of the sentence.

Section 14. The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

Section 15. Except as provided in this Act, the procedure on appeal from a decision in which capital punishment has been imposed shall be the same as is prescribed by law or Supreme Court rule in other criminal cases.

Section 16. In the event the death penalty for a Class A felony is held to be unconstitutional by the South Dakota Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previ-

ously sentenced to death for a Class A felony shall have such person brought before the court, and the court shall sentence such person to life imprisonment.

Section 17. When judgment of death is rendered, the judge must forthwith sign and deliver to the sheriff of the county a warrant duly attested by the clerk under the seal of the court stating the conviction and sentence and appointing the week within which sentence must be executed. The warrant must be directed to the warden of the state penitentiary at Sioux Falls, commanding the warden to execute the sentence on some day within the week appointed.

Section 18. Within ten days after the issuing of a warrant under section 17 of this Act the sheriff must deliver the defendant together with the warrant to the warden or his deputies at the state penitentiary. From the time of delivery to the warden until the infliction of the punishment of death upon him, unless he is lawfully discharged from such imprisonment, the defendant shall be kept in solitary confinement at the penitentiary and no person shall be allowed access to him without an order of the trial court except the officers of the prison, his counsel, his physician, a priest or minister if he shall desire one, and the members of his family.

Section 19. The week so appointed must begin not less than six months nor more than eight months after the date of judgment. The time of execution within such week shall be left to the discretion of the warden to whom the warrant is directed, who shall cause the execution to be performed between the hours of 12:01 a.m. and 6:00 a.m. on some day of such week, but no previous announcement of the day or hour of the execution shall be made except to the persons as may be invited or permitted to be present as provided in sections 36 and 37 of this Act.

Section 20. The judge of any court imposing sentence of death shall immediately thereafter transmit by registered or certified mail to the Governor a certified copy of such judgment together with a brief statement of the facts and circumstances of the case over his signature.

Section 21. The Governor may thereupon make such investigation of the case as he may deem proper and may require the assistance of the attorney general.

Section 22. The Governor shall have power to reprieve or suspend the execution of the sentence for such reasonable time as he may see fit for the purpose of completing his investigation or other like proper purpose but the period of reprieve or suspension shall not in any event, exceed ninety days except as provided in section 26 or 30 of this Act.

Section 23. No judge, officer, commission or board, other than the Governor, can reprieve or suspend the execution of a judgment of death except where the warden or deputy warden of the penitentiary is authorized so to do in a case and in the manner prescribed in this Act. This section does not apply to a stay of proceedings upon appeal or to the issuance of a writ of habeas corpus, certiorari or other original remedial writ of the Supreme Court.

Section 24. If a defendant confined under sentence of death appears to be mentally incompetent to proceed the warden having him in custody shall forthwith notify the Governor, who shall appoint a commission of not less than three nor more than five disinterested duly licensed physicians, one

of whom shall be the superintendent of the human services center or his assistant, to examine the defendant and report to the Governor as to his mental condition at the time of the examination.

Section 25. The commission appointed pursuant to section 24 of this Act must summarily proceed to make the examination. Before commencing they must take the oath required of referees as prescribed by the Supreme Court rule for trial courts of record. They shall give at least seven days' notice of the time of such examination to the attorney general and to the state's attorney who tried or participated in the trial of the defendant and to counsel for the defendant. Either the attorney general or one of his assistants or the state's attorney or a deputy shall, and counsel for defendant may, attend the examination and any of the attorneys may take part in the proceedings before the commission. The commission shall have power to call and examine witnesses, administer oaths and compel the attendance of witnesses. When the commission has concluded its examination it must forthwith report in writing to the Governor, setting forth the facts found together with the opinion of the commission as to the mental condition of the defendant.

Section 26. If the commission finds the defendant mentally incompetent to proceed the Governor shall suspend the execution of sentence and may in his discretion order the defendant removed to the human services center, there to remain confined until he is no longer mentally ill.

The commission shall review the defendant's mental condition at least once every six months during his confinement.

Section 27. When the commission determines that the defendant is no longer mentally incompetent to proceed, it shall report the fact to the Governor and to the chief justice of the Supreme Court. The chief justice shall thereupon inquire into the truth of the report in such manner as he may deem proper and if the justice upholds the commission's report, he shall so certify to the Governor and to the clerk of the court in which the defendant was convicted. Thereupon the defendant shall be forthwith returned and delivered to the custody of the warden of the state penitentiary, there to be dealt with according to law.

Section 28. The Governor, upon receiving the certificate provided for in section 27 of this Act, that states the defendant is no longer mentally incompetent to proceed, must issue his warrant appointing a week beginning within a period of not less than thirty nor more than ninety days from the date of the warrant, for the execution of the defendant pursuant to his sentence unless the sentence has been commuted or the defendant pardoned. The defendant shall continue in or be returned to the custody of the warden of the state penitentiary accordingly.

Section 29. If there is reasonable ground to believe that a female defendant sentenced to death is pregnant the warden having her in custody shall summon three disinterested licensed physicians of this state to examine the defendant and inquire into her condition. The physicians upon completing the examination shall make a report in writing over their signatures, stating the facts, and submit the same to the warden.

Section 30. If the physicians summoned under section 29 of this Act find that the defendant is pregnant the execution of the sentence must be suspended. The warden shall forthwith transmit the report of the physicians to the Governor and the defendant shall not be executed until a new warrant is received from the Governor so directing.

Section 31. In case the execution of a sentence is suspended pursuant to section 30 of this Act, the Governor, as soon as he is satisfied that the defendant is no longer pregnant, shall forthwith issue his warrant appointing a week for her execution, pursuant to her sentence, beginning within a period of not less than thirty nor more than ninety days from the date of the warrant.

Section 32. If the physicians summoned pursuant to section 29 of this Act report that the female defendant is not pregnant a copy of the report shall be transmitted by the warden to the Governor but the same shall not work a stay or suspension of the execution of the sentence.

Section 33. Whenever, for any reason, or under any circumstances not otherwise specifically provided for in this Act, a defendant sentenced to death has not been executed pursuant to the sentence at the time specified and the sentence or judgment inflicting the death penalty stands in full force, the Supreme Court, upon application of the attorney general or the state's attorney of the county where the crime was committed, shall make an order to the warden in whose custody the defendant may be, commanding him to bring the defendant before the court or commanding him to apprehend the defendant if at large and bring him before the court. Upon the defendant being brought before the court, the court shall inquire into the facts and if no legal reason exists against the execution of the judgment the court shall issue its warrant to the warden of the state penitentiary directing the execution of the judgment during a week specified in the warrant and the warden shall execute the warrant accordingly.

Section 34. The punishment of death must be inflicted within the walls of some building at the state penitentiary or within the yard or enclosure adjoining thereto. The punishment of death must be inflicted by causing to pass through the body of the defendant a current of electricity of sufficient intensity to cause death and continuing the application thereof until the defendant is dead. It shall be executed by the warden of the state penitentiary or by one of his deputies.

Section 35. The board of charities and corrections shall arrange for and provide a proper and suitable place at the state penitentiary for the custody of persons awaiting sentence of death and for the execution of the death sentence together with any and all proper equipment and appliances for the infliction of such punishment.

Section 36. The warden of the penitentiary shall request, by at least two days' previous notice, the presence of the attorney general, the trial judge before whom the conviction was had or his successor in office, the state's attorney and sheriff of the county where the crime was committed, and not more than ten reputable adult citizens, including at least one member of the news media, to be selected by the warden at the execution. The warden shall also arrange for the attendance of the prison physician and two other licensed physicians of this state. The warden shall arrange for the attendance of such prison guards and peace officers as he may deem proper.

Section 37. The warden of the state penitentiary must also, at the request of the defendant, permit such ministers of the gospel, priests or clergymen of any denomination as the defendant may desire, not exceeding two, to be present at the execution and any relatives or friends requested by the defendant not exceeding five.

Section 38. The warden of the state penitentiary shall permit no persons to be present at such execution other than those designated in sections 36 and 37 of this Act and shall not permit the presence of any person under the age of eighteen years, unless a relative, and no relatives of tender years shall be admitted.

Section 39. The time fixed by the warden for the execution shall be kept secret and in no manner divulged except privately to the persons by him invited or requested to be present as provided by sections 36 and 37 of this Act. It is a Class 2 misdemeanor for such persons so invited or requested to be present to divulge such invitation to any person or persons nor in any manner disclose the time of the execution.

Section 40. Immediately after the execution a post-mortem examination of the body of the defendant shall be made by the physicians present and they shall report in writing the result of their examination stating the nature thereof and the finding made, which report shall be annexed to the return mentioned in section 42 of this Act and filed therewith.

Section 41. After the post-mortem examination the body of the defendant, unless claimed by some relative, shall be interred in a cemetery within the county where the penitentiary is situated.

Section 42. The warden or prison officer attending the execution and in charge thereof must immediately prepare and sign a certificate and return setting forth the time, place and manner thereof, and that the defendant was then and there executed in conformity to the judgment of the court and the provisions of this Act. He shall sign the certificate and return and shall also procure the same to be signed by all the persons present and witnessing the execution and shall thereupon cause the certificate together with the certificate of the post-mortem examination mentioned in section 40 of this Act to be filed within ten days after the execution in the office of the clerk of the court where the trial and conviction of the defendant was had.

Section 43. In case of the disability from illness or other sufficient cause of the warden to whom the death warrant is directed to be present and execute the same, it shall be the duty of the principal deputy warden or such other officer of the prison as may be designated by the warden to execute the warrant and to perform all other duties imposed upon the warden by this Act.

Approved February 27, 1979

PENAL INSTITUTIONS

CHAPTER 161

(H.B. 1076)

LAWS
of the
STATE OF UTAH, 1980

Passed at the
BUDGET SESSION
of the
FORTY-THIRD LEGISLATURE

Convened at the Capitol in the City of Salt Lake
January 14, 1980
and Adjourned Sine Die on
February 2, 1980

Published by Authority

77-18-5. Reports by courts and prosecuting attorneys to board of pardons.

In cases where an indeterminate sentence is imposed, the judge and prosecuting attorney may, within 30 days, mail a statement to the board of pardons setting forth the term for which the prisoner ought to be imprisoned together with any information which might aid the board in passing on the application for termination or commutation of the sentence or for parole or pardon.

77-18-6. Judgment to pay fine constitutes a lien.

A judgment which orders the payment of a fine constitutes a lien when recorded in the judgment docket and shall have the same effect and is subject to the same rules as a judgment for money in a civil action.

77-18-7. Costs imposed on defendant—Restrictions.

Unless specifically authorized by statute, a defendant shall not be required to pay court costs in a criminal case either as a part of a sentence or as a condition of probation or dismissal.

77-18-8. Fine not paid—Commitment.

When a defendant is sentenced to pay a fine in addition to a jail or a prison sentence and the judgment is that the jail or prison sentence be suspended upon payment of the fine, the service of the jail or prison sentence shall satisfy the judgment. If a defendant fails to pay the fine and thereafter the court finds that the defendant failed to make a good faith effort to pay the fine, the court may, after a hearing, order the execution of the suspended jail or prison sentence. If a defendant is sentenced to pay a fine only or is sentenced to jail or prison and a fine, with neither suspended, he shall not later be committed to jail for failure to pay the fine.

CHAPTER 19 THE EXECUTION

77-19-1. Judgment for fine and costs—Enforcement.

If the judgment is for a fine or costs when allowed by statute and the fine is not paid as ordered by the court, execution or garnishment may be issued as on a judgment in a civil action. The prosecuting attorney, upon written request of the court clerk, shall effectuate collection through execution or garnishment when the fine or costs have not been paid as ordered by the court.

77-19-2. Judgment of imprisonment—Commitment.

If the judgment is for imprisonment, the sheriff of the county or other appropriate custodial officer designated by the court shall, upon receipt of a certified copy of the judgment, deliver the defendant to the warden of the state prison or keeper of the jail. Such custodial officer shall also deliver a certified copy of the judgment and take a receipt from the warden or keeper of the jail for the defendant and return it to the court.

77-19-3. Special release from city or county jail—Purposes.

Any person sentenced to a term in any city or county jail may, pursuant to order of the sentencing judge, be released from jail during those hours

which are reasonable and necessary to accomplish any of the following purposes:

- (1) Working at his employment;
- (2) Performing essential household duties;
- (3) Attending an educational institution;
- (4) Obtaining necessary medical treatment; or
- (5) Any other proper purpose the court may order.

77-19-4. Special release from city or county jail—Conditions and limitations.

All released prisoners, while absent from the jail, are in the custody of the jailer and subject at any time to being returned to jail, if good cause appears for so doing. The judge shall specify the terms and conditions of the release time which may include, but are not limited to the following:

(1) The prisoner may be required to pay all monies earned from employment during the jail term to those persons he is legally responsible to support; or

(2) He may be required to pay a reasonable amount for the expenses of his maintenance in the jail but may be permitted to retain sufficient money to pay his costs of transportation, meals, and other incidental and necessary expenses.

During all hours when the prisoner is not serving the function for which he is awarded release time, he shall be confined to jail. The prisoner shall be responsible for obtaining his own transportation to and from the place where he performs the function for which he is released.

77-19-5. Special release from city or county jail—Revocation.

The judge may, for good cause, revoke any release time previously awarded, and shall notify the prisoner that, if he makes written request, a hearing shall be afforded to him to challenge the revocation.

77-19-6. Judgment of death—Warrant—Delivery to warden—Time of execution.

When judgment of death is rendered, a warrant, signed by the judge and attested by the clerk under the seal of the court, shall be drawn and delivered to the sheriff of the county where the conviction is had. The sheriff shall deliver the warrant and a certified copy of the judgment to the warden of the state prison at the time of delivering the defendant to the prison. The warrant shall state the conviction and judgment and the appointed day on which the judgment is to be executed, which day shall not be less than 30 days nor more than 60 days from the date of judgment.

77-19-7. Judgment of death—Statement to board of pardons.

The judge of a court where a judgment of death was had shall, immediately after the conviction, transmit to the chairman of the board of pardons a statement of the conviction and judgment and a summary of the evidence given at trial.

77-19-8. Judgment of death, when suspended.

No judge, tribunal or officer, other than the governor or the board of pardons, shall suspend the execution of a judgment of death, except that a temporary stay of judgment of death may issue by a court of competent jurisdiction when the judgment is appealed, automatically reviewed, or subjected to collateral attack in a post conviction proceeding. Likewise, in cases of suspected incompetency or pregnancy of the defendant, execution may be temporarily suspended by the warden pursuant to section 77-19-13.

77-19-9. Judgment of death remaining unexecuted.

If for any reason a judgment of death has not been executed and remains in force, the court where the conviction was had, on application of the prosecuting attorney, shall order the defendant to be brought before it or, if he is at large, issue a warrant for his apprehension. When the defendant is brought before the court, it shall inquire into the facts and, if no legal reason exists against the execution of judgment, the court shall make an order requiring the warden to see that the judgment is executed on a specified day, not less than 30 nor more than 60 days thereafter. The court shall also draw and have delivered another warrant pursuant to section 77-19-6.

77-19-10. Death penalty inflicted by shooting—Selection and compensation of firing squad.

The warden shall see that the judgment of death is executed by shooting the defendant at the state prison. A five-man firing squad of peace officers shall be selected by the warden, and shall be compensated in an amount determined by the director of the department of finance.

77-19-11. Who may be present.

- (1) The warden shall cause a physician to attend the execution.
- (2) At the discretion of the warden, the following persons may attend the execution:
 - (a) The prosecuting attorney of the county in which the defendant was convicted or a deputy prosecuting attorney designated by the prosecuting attorney;
 - (b) The attorney general or a deputy attorney general designated by the attorney general;
 - (c) Religious representatives, friends or relatives designated by the defendant not exceeding a total of five in number;
- (3) None of the persons enumerated in subsection (2) shall be required to attend, nor shall any of them attend as a matter of right.
- (4) The warden shall permit the attendance at the execution of a total of nine members of the press and broadcast news media named by the director of the division of corrections in accordance with rules and regulations of the division of corrections, provided that the selected news media members shall serve as a pool for other members of the news media as a condition of attendance.

(5) No photographic or recording equipment shall be permitted at the execution site until the execution is completed, the body is removed and the site has been restored to an orderly condition; provided, however, that the physical arrangements for the execution shall not be disturbed. Any person who violates this subsection is guilty of a class B misdemeanor.

(6) All persons in attendance shall be subject to reasonable search as a condition of attendance.

(7) No other persons, except the necessary staff designated by the warden, shall be permitted to attend the execution, nor shall any person under the age of 18 attend.

(8) The division of corrections is hereby empowered and directed to promulgate, adopt and employ rules and regulations governing the attendance of persons at the execution.

77-19-12. Return upon death warrant.

After the execution, the warden shall make a return upon the death warrant, showing the time, place and manner in which it was executed.

77-19-13. Insanity or pregnancy of person sentenced to death—Procedure.

(1) If, after judgment of death, there is good reason to believe the defendant is incompetent to proceed as defined in this title, or is pregnant, the warden shall immediately give written notice to the court in which the judgment of death was rendered, to the prosecuting attorney and counsel for defendant and the judgment shall be stayed pending further order of the court.

(2) On receipt of the notice, the mental condition of the defendant shall be examined in accordance with the provisions of chapter 15 of this title. If it is found that the defendant is incompetent, the court shall immediately transmit a certificate of the findings to the board of pardons and enter an order for commitment pursuant to chapter 15 of this title. If it is found that the defendant is competent, the judge shall immediately transmit a certificate of the findings to the board of pardons and shall draw and have delivered another warrant pursuant to section 77-19-6, together with a copy of the certificate of the findings. The warrant shall state an appointed day on which the judgment is to be executed which shall not be less than 30 nor more than 60 days from the date of the drawing of the warrant.

(3) If the court finds the defendant is pregnant, it shall immediately transmit a certificate of the finding to the board of pardons and to the warden, and the court shall issue an order staying the execution of the judgment of death during the pregnancy. When the court determines the defendant is no longer pregnant, it shall immediately transmit a certificate of the finding to the board of pardons and draw and have delivered another warrant pursuant to section 77-19-6 hereof, together with a copy of the certificate of the finding. The warrant shall state an appointed day on which the judgment is to be executed which shall not be less than 30 nor more than 60 days from the date of the drawing of the warrant.

ACTS and JOINT RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE of SOUTH CAROLINA

1997 REGULAR SESSION

VOLUME I

First Part
of Seventieth Volume of Statutes at Large

(The Acts and Joint Resolutions of 1998
will Constitute the Second Part)

Passed at the regular session which was begun
and held at the City of Columbia on the 14th
day of Jannary, A.D., 1997, and was
adjourned on the 18th day of
June, A.D., 1997

PRINTED UNDER DIRECTION OF
PEDEN B. McLEOD
CODE COMMISSIONER

Exemptions to building codes requirements

SECTION 6. Chapter 10 of Title 6 of the 1976 Code is not applicable in counties or municipalities which have fully implemented building codes as required in Section 6-9-10, as amended by this act.

Public policy as to building codes

SECTION 7. The public policy of South Carolina is to maintain reasonable standards of construction in buildings and other structures in the State consistent with the public health, safety, and welfare of its citizens. To secure these purposes, a person performing building codes enforcement must be certified by the South Carolina Building Codes Council, and this act is necessary to provide for certification.

To clarify the intent of the General Assembly and address questions which might arise or have arisen with respect to provisions of the nationally known codes which have been or are in place, only those portions or provisions of the nationally known building and safety codes which relate to building standards and safety are binding upon any state or local governmental entity or agency which adopts the building and safety codes authorized or required by Chapter 9 of Title 6 of the South Carolina Code of Laws.

Time effective

SECTION 8. This act takes effect upon approval by the Governor.

Approved the 13th day of June, 1997.

No. 124

(R195, S315)

AN ACT TO AMEND SECTION 24-3-550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WITNESSES ATTENDING AN EXECUTION, SO AS TO REVISE THE NUMBER AND STATUS OF PERSONS WHO MAY WITNESS AN EXECUTION AND TO PROVIDE THAT A WITNESS MAY NOT POSSESS TELEPHONING EQUIPMENT IN

THE CAPITAL PUNISHMENT FACILITY DURING AN EXECUTION.

Be it enacted by the General Assembly of the State of South Carolina:

Witnesses attending an execution

SECTION 1. Section 24-3-550 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 24-3-550. (A) To carry out an execution properly, the executioner and necessary staff must be present at the execution. In addition, the following persons may be present:

(1) three representatives, approved by the director, of the family of a victim of the crime for which a death penalty was imposed, provided, that if there is more than one victim, the director may reduce the number of family representatives to one representative for each victim’s family; provided, further, that if there are more than two victims, the director may restrict the total number of victims’ representatives present in accordance with the space limitations of the Capital Punishment Facility;

(2) the solicitor, or an assistant solicitor designated by the solicitor, for the county where the offense occurred;

(3) a group of not more than three representatives of the South Carolina media, one of whom must represent the dominant wire service, one of whom must represent the print media, and one of whom must represent the electronic news media; and

(4) the chief law enforcement officer, or an officer designated by the chief, from the law enforcement agency that had original jurisdiction in the case.

(B) The counsel for the convict and a minister of the gospel may be present.

(C) The department shall promulgate regulations to govern the selection of media representatives.

(D) Witnesses authorized or approved pursuant to this section shall not possess telephonic equipment, cameras, or recording devices in the Capital Punishment Facility during an execution.

(E) For security purposes, the director may exclude any person who is authorized or approved pursuant to this section from the Capital Punishment Facility.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Approved the 14th day of June, 1997.

No. 125

(R198, S510)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-2845 SO AS TO PROVIDE A PENALTY FOR A MOTOR CARRIER'S FAILURE TO FILE A PROPERTY TAX RETURN AND REMIT THE APPROPRIATE TAX, TO AMEND SECTIONS 12-37-2820, 12-37-2830, 12-37-2840, 12-37-2850, 12-37-2860, 12-37-2870, AND 12-37-2880, RELATING TO THE VALUATION AND PROPERTY TAXATION OF CERTAIN MOTOR CARRIERS, SO AS TO TRANSFER THESE FUNCTIONS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF REVENUE, REVISE APPLICABLE DUE DATES AND PENALTIES, TO ALLOW ADJUSTMENT OF THE STATEWIDE AVERAGE MILLAGE, TO REPLACE THE PROPERTY TAX ON SEMITRAILERS AND TRAILERS WITH A ONE-TIME FEE, PROVIDE EVIDENCE OF PAYMENT AND FOR THE DISTRIBUTION OF THE REVENUE OF THESE TAXES AND FEES, AND TO PROVIDE THAT THIS STATEWIDE SYSTEM OF TAXATION AND FEES ON CERTAIN MOTOR CARRIERS IS IN LIEU OF ALL OTHER AD VALOREM TAXES ON THIS PROPERTY; TO AMEND SECTIONS 56-3-120 AND 56-3-700, BOTH AS AMENDED, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING EXEMPTIONS AND REGISTRATION FEES FOR TRAILERS, SO AS TO EXEMPT FROM REGISTRATION AND LICENSING TRAILERS AND SEMITRAILERS PAYING THE FEE IN LIEU OF TAXES AND CONFORMING THE REGISTRATION REQUIREMENTS OF SECTION 56-3-700 TO THIS EXEMPTION; AND TO AMEND ACT 461 OF 1996, RELATING TO THE STATEWIDE PROPERTY TAX SYSTEM FOR CERTAIN MOTOR CARRIERS, SO AS TO REVISE TRANSITION PROVISIONS.

**LAWS AND RESOLUTIONS
OF THE
STATE OF MONTANA**

**Enacted by the
FIFTY-SIXTH LEGISLATURE
IN REGULAR SESSION**

**Held at Helena, the Seat of Government
January 4, 1999, through April 21, 1999**

AND IN SPECIAL SESSION

**Held at Helena, the Seat of Government
June 15 and 16, 1999**

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Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 3, chapter 2, part 7, and the provisions of Title 3, chapter 2, part 7, apply to [section 2].

Approved April 20, 1999

CHAPTER NO. 387

[HB 53]

AN ACT SPECIFYING THAT A CORONER OR DEPUTY CORONER SHALL PRONOUNCE THE DEATH OF A DEFENDANT AT AN EXECUTION; CLARIFYING THE NUMBER OF WITNESSES AT AN EXECUTION; REQUIRING THAT ALL WITNESSES BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF CORRECTIONS; AND AMENDING SECTION 46-19-103, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-19-103, MCA, is amended to read:

"46-19-103. Execution of death sentence. (1) In pronouncing the sentence of death, the court shall set the date of execution, which may not be less than 30 days or more than 60 days from the date the sentence is pronounced. If execution has been stayed by any court and the date set for execution has passed prior to dissolution of the stay, the court in which the defendant was previously sentenced shall, upon dissolution of the stay, set a new date of execution for not less than 20 or more than 90 days from the day the date is set. The defendant is entitled to be present in court on the day the new date of execution is set.

(2) Pending execution of a sentence of death, the sheriff may deliver the defendant to a state prison for confinement, and the state shall bear the costs of imprisoning the defendant from the date of delivery.

(3) The punishment of death must be inflicted by administration of a continuous, intravenous injection of a lethal quantity of an ultra-fast-acting barbiturate in combination with a chemical paralytic agent until a ~~licensed physician~~ coroner or deputy coroner pronounces that the defendant is dead according to accepted standards of medical practice.

(4) When an execution date is set, a death warrant signed by the judge and attested by the clerk of court under the seal of the court must, within 5 days, be prepared. The warrant and a certified copy of the judgment must be delivered to the director of the department of corrections. The warrant must be directed to the director and recite the conviction, judgment, appointed date of execution, and duration of the warrant.

(5) The warden of the Montana state prison shall provide a suitable and efficient room or place in which executions will be carried out, enclosed from public view, within the walls of the state prison, and shall provide all implements necessary to the execution. The warden shall, subject to subsection (6), select the person to perform the execution, and the warden or the warden's designee shall supervise the execution. The identity of the executioner must remain anonymous. Facts pertaining to the selection and training of the executioner must remain confidential.

(6) (a) An execution must be performed by a person selected by the warden and trained to administer a lethal injection. The person administering the injection need not be a physician, registered nurse, or licensed practical nurse licensed or registered under the laws of this or any other state.

(b) The warden shall allow the execution to be observed by *no more than 12 witnesses, 3 of whom may be designated by the person to be executed, excluding department of corrections staff necessary to carry out the execution. The witnesses must, to the extent possible, include three persons from the news media, three persons designated by the family of the victim of the crime, three persons designated by the person to be executed, and three persons chosen by the department of corrections.*

(c) *A proposed witness is subject to rejection by the department of corrections if the department has reason to believe that the witness:*

(i) poses a risk to the safety or security of department of corrections personnel, the other witnesses, or other persons; or

(ii) is likely to disrupt proceedings due to the witness's emotional or mental state.

(7) Within 20 days after the execution, the warden shall return the death warrant to the clerk of the court from which it was issued, noting on the warrant the time it was executed.

(8) *The rejection of a witness under subsection (6)(c) is not grounds for stay of the execution."*

Approved April 21, 1999

CHAPTER NO. 388

[HB 54]

AN ACT CREATING THE CRIMINAL OFFENSE OF ASSAULT WITH A BODILY FLUID; PROVIDING PENALTIES FOR THE OFFENSE; AND DEFINING "BODILY FLUID".

Be it enacted by the Legislature of the State of Montana:

Section 1. Assault with bodily fluid. (1) A person commits the offense of assault with a bodily fluid if the person purposely or knowingly causes one of the person's bodily fluids to make physical contact with a law enforcement officer or staff person of a correctional or detention facility:

(a) during or after an arrest for a criminal offense;

(b) while the person is incarcerated in or being transported to or from a state prison or a county, city, or regional jail or detention facility; or

(c) if the person is a minor, while the youth is detained in or being transported to or from a county, city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, or shelter care facility.

(2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.

2 0 0 1 O R E G O N L A W S

And

**Memorials and Resolutions
Enacted and Adopted by the Seventy-first Legislative Assembly
at its Regular Session January 8 through July 7, 2001**

Including

**Amendments to the Oregon Rules of Civil Procedure
promulgated December 9, 2000,
by the Council on Court Procedures
and effective January 1, 2002**

Volume 1 of Three Volumes

(3) Discount and gain or loss on retirement or disposition of obligations described under subsection (2)(a) of this section issued on or after January 1, 1985, shall be treated for purposes of this chapter in the same manner as under sections 1271 to 1283 and other pertinent sections of the Internal Revenue Code as if the obligations, although issued by a foreign state or a political subdivision of a foreign state, were not tax exempt under the Internal Revenue Code.

SECTION 2. The amendments to ORS 316.680 by section 1 of this 2001 Act apply to tax years beginning on or after January 1, 2003.

Approved by the Governor May 29, 2001

Filed in the office of Secretary of State May 29, 2001

Effective date January 1, 2002

CHAPTER 213

AN ACT

HB 2096

Relating to executions; amending ORS 137.473; and declaring an emergency.
Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 137.473 is amended to read:

137.473. (1) The punishment of death shall be inflicted by the intravenous administration of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent and potassium chloride or other equally effective substances sufficient to cause death. The judgment shall be executed by the superintendent of the Department of Corrections institution in which the execution takes place, or by the designee of that superintendent. All executions shall take place within the enclosure of a Department of Corrections institution designated by the Director of the Department of Corrections. The superintendent of the institution shall be present at the execution and shall invite the presence of one or more physicians, the Attorney General, [and] the sheriff of the county in which the judgment was rendered **and representatives from the media**. At the request of the defendant, the superintendent shall allow no more than two clergymen designated by the defendant to be present at the execution. At the discretion of the superintendent, no more than five friends and relatives designated by the defendant may be present at the execution. The superintendent shall allow the presence of any peace officers as the superintendent thinks expedient.

(2) The person who administers the lethal injection under subsection (1) of this section shall not thereby be considered to be engaged in the practice of medicine.

(3)(a) Any wholesale drug outlet, as defined in ORS 689.005, registered with the State Board of Pharmacy under ORS 689.305 may provide the lethal substance or substances described in subsection (1)

of this section upon written order of the Director of the Department of Corrections, accompanied by a certified copy of the judgment of the court imposing the punishment.

(b) For purposes of ORS 689.765 (8) the director shall be considered authorized to purchase the lethal substance or substances described in subsection (1) of this section.

(c) The lethal substance or substances described in subsection (1) of this section are not controlled substances when purchased, possessed or used for purposes of this section.

(4) The superintendent may require that persons who are present at the execution under subsection (1) of this section view the initial execution procedures, prior to the point of the administration of the lethal injection, by means of a simultaneous closed circuit television transmission under the direction and control of the superintendent.

SECTION 2. This 2001 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2001 Act takes effect on its passage.

Approved by the Governor May 29, 2001

Filed in the office of Secretary of State May 29, 2001

Effective date May 29, 2001

CHAPTER 214

AN ACT

SB 69

Relating to interpreters in juvenile proceedings; creating new provisions; amending ORS 419B.115 and 419C.285; and declaring an emergency.
Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 419B.115 is amended to read:

419B.115. (1) Parties to proceedings in the juvenile court under ORS 419B.100 and 419B.500 are:

- (a) The minor child;
- (b) The legal parents or guardian of the child;
- (c) The state;
- (d) The juvenile department;
- (e) A court appointed special advocate, if appointed;
- (f) The State Office for Services to Children and Families or other child-caring agency if the agency has temporary custody of the child; and
- (g) An intervenor who petitions or files a motion on the basis of a child-parent relationship under ORS 109.119.

(2) The rights of the parties include, but are not limited to:

- (a) The right to notice of the proceeding and copies of the pleadings;
- (b) The right to appear with counsel and to have counsel appointed as otherwise provided by law;

LAWS

Passed by the
LEGISLATURE OF THE STATE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SPECIAL SESSION
2008

VOLUME I

Which convened in the City of Lincoln, Nebraska
Friday, November 14, 2008, and adjourned
Friday, November 21, 2008

Compiled by
Patrick J. O'Donnell
and published under the authority of
John Gale
Secretary of State

LEGISLATIVE BILL 36

Approved by the Governor May 28, 2009

Introduced by Flood, 19; Janssen, 15; McCoy, 39; Lautenbaugh, 18.

FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Reissue Revised Statutes of Nebraska; to change the method of and procedure for inflicting the death penalty; to provide, change, and eliminate certain powers and duties for the Director of Correctional Services and the Department of Correctional Services; to change certain duties of the Supreme Court; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal sections 29-2544 and 29-2545, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 29-2537, Reissue Revised Statutes of Nebraska, is amended to read:

29-2537 (1) If any ~~convict~~ convicted person under sentence of death shall appear to be mentally incompetent, the ~~warden or sheriff~~ having him or her in custody Director of Correctional Services shall forthwith give notice thereof to a judge of the district court of the judicial district in which the ~~convict~~ convicted person was tried and sentenced and such judge shall at once make such investigation as shall satisfy him or her as to whether a commission ought to be named to examine such ~~convict~~ convicted person.

(2) If he or she shall determine the court determines that there is not sufficient reason for the appointment of a commission, he or she the court shall so find and refuse to suspend the execution of the ~~convict~~ convicted person. If the judge shall determine the court determines that a commission ought to be appointed to examine such ~~convict~~ convicted person, the court shall make a finding to that effect and cause it to be entered upon the records of the district court in the county in which such ~~convict~~ convicted person was sentenced, and, if necessary, the judge the court shall suspend the execution and appoint the three superintendents of the state centers at Lincoln, Hastings, and Norfolk three licensed mental health professionals employed by the state as a commission to examine such ~~convict~~ convicted person. The commission shall examine the ~~convict~~ convicted person to determine whether he or she is mentally competent or mentally incompetent and shall report its findings in writing to such judge the court within ten days after its appointment. If for any reason any of such superintendents cannot serve in such capacity, the judge shall appoint in his or her place one of the assistant superintendents of such center. If two members of the commission shall find the ~~convict~~ convicted person incompetent, the judge the court shall suspend his or her the convicted person's execution until further order. Any time thereafter, when it shall be made to appear to the judge that the convict has become mentally competent, he or she shall appoint a commission in the manner provided in this section, who shall make another investigation as to the mental competency of the convict, and in case such convict is again declared mentally incompetent his or her execution shall be suspended by the judge until further order. Such proceedings may be had at such times as the judge shall order until it is either determined that the convict is mentally competent or incurably mentally incompetent. Thereafter, the court shall appoint a commission annually to review the convicted person's competency. The results of such review shall be provided to the court. If the convicted person is subsequently found to be competent by two members of the commission, the court shall certify that finding to the Supreme Court which shall then establish a date for the enforcement of the convicted person's sentence.

(3) The standard for the determination of competency under this section shall be the same as the standard for determining competency to stand trial.

Sec. 2. Section 29-2538, Reissue Revised Statutes of Nebraska, is amended to read:

29-2538 If a court has suspended the execution of the convicted person pending an investigation as to his or her competency, the date for the enforcement of the convicted person's sentence has passed, and the convicted person is found to be competent, the court shall certify that finding to the Supreme Court which shall appoint a day for the enforcement of the convicted person's sentence. In case such judge has suspended the execution of

the convict pending an investigation as to his sanity, and the convict shall be found to be sane, the judge shall appoint a day for his execution, which shall be carried into effect in the same manner as provided in the original sentence, a certified copy of which shall be transmitted by mail to the executioner.

Sec. 3. Section 29-2539, Reissue Revised Statutes of Nebraska, is amended to read:

29-2539 The members of such the commission appointed pursuant to section 29-2537 shall each receive mileage at the rate authorized in section 81-1176 for state employees for each mile actually and necessarily traveled in reaching and returning from the place where the convict convicted person is confined and examined, and it is hereby made the duty of the commission to act in this capacity without compensation other than that already provided for them by law. All of the findings and orders aforesaid shall be entered in the district court records of the county wherein the convict convicted person was originally tried and sentenced, and the costs therefor, including those providing for the mileage of the members of the commission, shall be allowed and paid in the usual manner by the county in which the convict convicted person was tried and sentenced to death.

Sec. 4. Section 29-2540, Reissue Revised Statutes of Nebraska, is amended to read:

29-2540 If a female convict convicted person under sentence of death shall appear to be pregnant, the warden or sheriff Director of Correctional Services shall in like manner notify the judge of the district court of the county in which she was sentenced, who shall in all things proceed as in the case of a mentally an incompetent convict convicted person.

Sec. 5. Section 29-2541, Reissue Revised Statutes of Nebraska, is amended to read:

29-2541 If the commission shall find appointed pursuant to section 29-2537 finds that the female convict convicted person is pregnant, the judge court shall suspend the execution of her sentence. At such time as it shall be determined that such woman is no longer pregnant, the judge shall appoint a time date for her execution, which shall be carried into effect in the same manner as provided in the original sentence, and issue a warrant directing the enforcement of the sentence of death which shall be delivered to the Director of Correctional Services. The costs and expenses thereof shall be the same as those provided for in the case of a mentally an incompetent convict convicted person and shall be paid in the same manner.

Sec. 6. Section 29-2542, Reissue Revised Statutes of Nebraska, is amended to read:

29-2542 If any person who has been convicted of a crime punishable by death, and sentenced to be electrocuted, death, shall escape, and shall not be retaken before the time fixed for his or her execution, it shall be lawful for the warden, Director of Correctional Services, or any sheriff or other officer or person, to rearrest such person and return him or her to the custody of the warden of the Nebraska Penal and Correctional Complex, director, who shall thereupon make return thereof to the Governor of the state, and the Governor shall thereupon notify the Supreme Court that such person has been returned to custody. Upon receipt of that notice, the Supreme Court shall then issue a warrant, fixing and appointing a day for the execution, a date for the enforcement of the sentence which shall be delivered to the director. The date of execution shall be set no later than sixty days following the issuance of the warrant, carried into effect by the warden in the same manner as herein provided for the execution of an original sentence of death.

Sec. 7. Section 29-2543, Reissue Revised Statutes of Nebraska, is amended to read:

29-2543 (1) Whenever any person has been tried and convicted before any district court in this state, of a crime punishable by death and under the conviction has been sentenced by the court to suffer death, and has had his or her sentence of death affirmed by the Supreme Court on mandatory direct review, it shall be the duty of the clerk of the court before which the conviction was had Supreme Court to issue a warrant, under the seal of the court, reciting therein the conviction and sentence and establishing a date for the enforcement of the sentence directed to the warden of the Nebraska Penal and Correctional Complex, Director of Correctional Services, commanding him or her to proceed at the time named in the sentence to carry the same into execution by causing the person so convicted and sentenced to be electrocuted by the passage of an electric current through the body until dead. The clerk shall deliver the warrant to the sheriff of the county in which conviction was had and such sheriff shall thereupon forthwith remove such convicted person to a Department of Correctional Services adult correctional facility of the

state and there deliver him or her, together with the warrant, into the custody of the warden who shall receive and safely keep such convict within a Department of Correctional Services adult correctional facility until the time of execution or until otherwise ordered by competent authority. warrant. The date of execution shall be set no later than sixty days following the issuance of the warrant.

(2) Thereafter, if the initial execution date has been stayed and the original execution date has expired, the Supreme Court shall establish a new date for enforcement of the sentence upon receipt of notice from the Attorney General that the stay of execution is no longer in effect and issue its warrant to the director. The date of execution shall be set no later than sixty days following the issuance of the warrant.

Sec. 8. Section 29-2546, Reissue Revised Statutes of Nebraska, is amended to read:

29-2546 Whenever the Supreme Court reverses the judgment of conviction in accordance with which any ~~convict~~ convicted person has been sentenced to death and is confined in a Department of Correctional Services adult correctional facility as herein provided, it shall be the duty of the ~~warden~~ Director of Correctional Services, upon receipt of a copy of such judgment of reversal, duly certified by the clerk of the court and under the seal thereof, to forthwith deliver such ~~convict~~ convicted person into the custody of the sheriff of the county in which the conviction was had to be held in the jail of the county awaiting the further judgment and order of the court in the case.

Sec. 9. Section 29-2532, Reissue Revised Statutes of Nebraska, is amended to read:

29-2532 A sentence of death shall be enforced by the intravenous injection of a substance or substances in a quantity sufficient to cause death. The lethal substance or substances shall be administered in compliance with an execution protocol created and maintained by the Department of Correctional Services. The mode of inflicting the punishment of death, in all cases, shall be by causing to pass through the body of the convicted person a current of electricity of sufficient intensity to cause death; and the application of such current shall be continued until such convicted person is dead. The warden of the Nebraska Penal and Correctional Complex, and in case of his death, sickness, absence or inability to act, then the deputy warden, shall be the executioner. PROVIDED, the warden may in writing specially designate and appoint a suitable and competent person to act for him, and under his direction, as executioner in any particular case. A crime punishable by death must be punished according to the provisions herein made and not otherwise.

Sec. 10. (1) A sentence of death shall be enforced by the Director of Correctional Services. Upon receipt of an execution warrant, the director shall proceed at the time named in the warrant to enforce the sentence, unless the director is informed that enforcement of the sentence has been stayed by competent judicial authority, the sentence has been commuted, or the conviction has been pardoned.

(2) The director shall create, modify, and maintain a written execution protocol describing the process and procedures by which an execution will be carried out consistent with this section. The director shall (a) select the substance or substances to be employed in an execution by lethal injection, (b) create a documented process for obtaining the necessary substances, (c) designate an execution team composed of one or more executioners and any other personnel deemed necessary to effectively and securely conduct an execution, (d) describe the respective responsibilities of each member of the execution team, (e) describe the training required of each member of the execution team, and (f) perform or authorize any other details deemed necessary and appropriate by the director.

(3) The execution protocol shall require that the first or only substance injected be capable of rendering the convicted person unconscious and that a determination sufficient to reasonably verify that the convicted person is unconscious be made before the administration of any additional substances, if any.

Sec. 11. Notwithstanding any other provision of law:

(1) Any prescription, preparation, compounding, dispensing, obtaining, or administration of the substances deemed necessary to perform a lethal injection shall not constitute the practice of medicine or any other profession relating to health care which is subject by law to regulation, licensure, or certification;

(2) A pharmacist or pharmaceutical supplier may dispense the designated substances, without a prescription, to the Director of Correctional Services or the director's designee upon production of a written request from

the director for the designated substances necessary to conduct an execution;

(3) Obtaining, preparing, compounding, dispensing, and administering the substance or substances designated by the execution protocol does not violate the Uniform Controlled Substances Act or sections 71-2501 to 71-2512; and

(4) If a person who is a member of the execution team is licensed by a board or department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against that person's license as a result of that person's participation in a court-ordered execution.

Sec. 12. (1) The Director of Correctional Services may designate any person qualified under the terms of the execution protocol to administer to the convicted person the substances necessary to comply with the execution protocol.

(2) The identity of all members of the execution team, and any information reasonably calculated to lead to the identity of such members, shall be confidential and exempt from disclosure pursuant to sections 84-712 to 84-712.09 and shall not be subject to discovery or introduction as evidence in any civil proceeding unless extraordinary good cause is shown and a protective order is issued by a district court limiting dissemination of such information.

Sec. 13. No death sentence shall be voided or reduced as a result of a determination that a method of execution was declared unconstitutional under the Constitution of Nebraska or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution.

Sec. 14. Section 29-2533, Reissue Revised Statutes of Nebraska, is amended to read:

29-2533 When any convicted person shall be is sentenced to be electrocuted, death, such punishment shall be inflicted within the walls of the Department of Correctional Services adult correctional facility, or within the yard or enclosure adjacent thereto, at a Department of Correctional Services facility under the supervision of the warden Director of Correctional Services and in such a manner as to exclude the view of all persons save except those permitted to be present as provided in sections 29-2534 and 29-2535, 15 and 16 of this act.

Sec. 15. Section 29-2534, Reissue Revised Statutes of Nebraska, is amended to read:

29-2534 Besides the warden, the deputy warden, the executioner, in case one shall have been appointed by the warden, and his assistants, Director of Correctional Services and those persons required to be present under the execution protocol, the following persons, and no others, except as provided in section 29-2535, 16 of this act, may be present at the execution: (1) The clergyman member of the clergy in attendance upon the prisoner, such other persons, not exceeding three in number as the prisoner may designate, convicted person; (2) no more than three persons selected by the convicted person; (3) no more than three persons representing the victim or victims of the crime; and (4) such other persons, not exceeding six in number, as the warden director may designate. At least two persons designated by the director shall be professional members of the Nebraska news media.

Sec. 16. Section 29-2535, Reissue Revised Statutes of Nebraska, is amended to read:

29-2535 Whenever the warden Director of Correctional Services shall deem the presence of a military force necessary to carry into effect the provisions of sections 29-2532 and 29-2533, 9 and 14 of this act, he or she shall make the fact known to the Governor of the state, who is hereby authorized to call out so much of the military force of the state as in his or her judgment may be necessary for the purpose.

Sec. 17. Section 29-2536, Reissue Revised Statutes of Nebraska, is amended to read:

29-2536 Whenever the warden Director of Correctional Services shall inflict the punishment of death upon a convict, convicted person, in obedience to the command of the court, he or she shall make return of his or her proceedings as soon as may be to the clerk of the court where the conviction was had, and the clerk shall subjoin the return to the record of conviction and sentence.

Sec. 18. The Revisor of Statutes shall assign sections 9 and 14 to 17 of this act to Chapter 83, article 9.

Sec. 19. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 20. Original sections 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 21. The following sections are outright repealed: Sections 29-2544 and 29-2545, Reissue Revised Statutes of Nebraska.

LAWS
OF THE
GENERAL ASSEMBLY
OF THE
Commonwealth of Pennsylvania

PASSED AT THE
SESSION OF 2009

IN THE
TWO HUNDRED AND THIRTY-THIRD YEAR OF INDEPENDENCE
TOGETHER WITH

Other Documents Relating to Actions by the General Assembly or
Required by Law to be Published in the Laws of Pennsylvania

BY AUTHORITY

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VOLUME I
HARRISBURG, PA.
2009

The department and the commission shall monitor and evaluate the motivational boot camp program under Chapter 39 (relating to motivational boot camp) to ensure that the programmatic objectives are met. In even-numbered years, the department shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. In odd-numbered years, the commission shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1.

CHAPTER 43

EXECUTION PROCEDURE AND METHOD

Sec.

- 4301. Definitions.**
- 4302. Issuance of warrant.**
- 4303. Terms of confinement.**
- 4304. Method of execution.**
- 4305. Witnesses to execution.**
- 4306. Certification of chief administrator.**
- 4307. Postmortem examination.**
- 4308. Costs of execution and examination.**

§ 4301. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Victim.” The term shall have the same meaning given to it in section 103 of the act of November 24, 1998 (P.L.882, No. 111), known as the Crime Victims Act.

“Victim advocate.” The victim advocate within the Pennsylvania Board of Probation and Parole.

§ 4302. Issuance of warrant.

(a) Time.—

(1) After the receipt of the record pursuant to 42 Pa.C.S. § 9711(i) (relating to sentencing procedure for murder of the first degree), unless a pardon or commutation has been issued, the Governor shall, within 90 days, issue a warrant specifying a day for execution which shall be no later than 60 days after the date the warrant is signed.

(2) If, because of a reprieve or a judicial stay of the execution, the date of execution passes without imposition of the death penalty, unless a pardon or commutation has been issued, the Governor shall, within 30 days after receiving notice of the termination of the reprieve or the judicial stay, reissue a warrant specifying a day for execution which shall be no later than 60 days after the date of reissuance of the warrant.

(b) *Secretary.*—*The warrant shall be directed to the secretary commanding that the subject of the warrant be executed on the day named in the warrant and in the manner prescribed by law.*

(c) *Failure to timely comply.*—*If the Governor fails to timely comply with the provisions of this section and a pardon or commutation has not been issued, the secretary shall, within 30 days following the Governor's failure to comply, schedule and carry out the execution no later than 60 days from the date by which the Governor was required to sign the warrant under subsection (a).*

§ 4303. Terms of confinement.

Upon receipt of the warrant, the secretary shall, until infliction of the death penalty or until lawful discharge from custody, keep the inmate in solitary confinement. During the confinement, no person shall be allowed to have access to the inmate without an order of the sentencing court, except the following:

(1) *The staff of the department.*

(2) *The inmate's counsel of record or other attorney requested by the inmate.*

(3) *A spiritual adviser selected by the inmate or the members of the immediate family of the inmate.*

§ 4304. Method of execution.

(a) *Injection.*—

(1) *The death penalty shall be inflicted by injecting the convict with a continuous intravenous administration of a lethal quantity of an ultrashort-acting barbiturate in combination with chemical paralytic agents approved by the department until death is pronounced by the coroner. The coroner shall issue the death certificate.*

(2) *The execution shall be supervised by the chief administrator or his designee of the State correctional institution designated by the department for the execution.*

(b) *Injection agents.*—*Notwithstanding section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, the secretary or his designee may obtain the injection agents directly from a pharmacist or manufacturer.*

§ 4305. Witnesses to execution.

(a) *List of witnesses.*—*No person except the following shall witness any execution under the provisions of this chapter:*

(1) *The chief administrator or his designee of the State correctional institution where the execution takes place.*

(2) *Six reputable adult citizens selected by the secretary.*

(3) *One spiritual adviser, when requested and selected by the inmate.*

(4) *Not more than six duly accredited representatives of the news media.*

(5) *Such staff of the department as may be selected by the secretary.*

(6) *Not more than four victims registered with and selected by the victim advocate.*

(b) *Witnesses.—The secretary may refuse participation by a witness for safety or security reasons. The department shall make reasonable efforts to provide victims with a viewing area separate and apart from the area to which other witnesses are admitted.*

(c) *Confidentiality.—The identity of department employees, department contractors or victims who participate in the administration of an execution pursuant to this section shall be confidential.*

§ 4306. Certification of chief administrator.

After the execution, the chief administrator or his designee shall certify in writing, under oath or affirmation, to the court of the county where the inmate was sentenced to death that the inmate was duly executed in accordance with this chapter. The certificate shall be filed in the office of the clerk of such court.

§ 4307. Postmortem examination.

(a) *General rule.—Immediately after execution, a postmortem examination of the body of the inmate shall be made at the discretion of the coroner of the county in which the execution is performed. The coroner shall report the nature of any examination made. This report shall be annexed to and filed with the certificate required under section 4306 (relating to certification of chief administrator).*

(b) *Disposition of body.—After the postmortem examination, unless claimed by a relative or relatives, the department shall be responsible for disposition of the body.*

§ 4308. Costs of execution and examination.

The actual and necessary costs of the execution and the postmortem examination shall be paid by the department.

CHAPTER 45 RECIDIVISM RISK REDUCTION INCENTIVE

Sec.

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4502. Purpose of chapter.

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