

1 HOUSE BILL NO. 244

2 INTRODUCED BY D. LENZ

3 BY REQUEST OF THE ATTORNEY GENERAL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE DEATH PENALTY;
6 PROVIDING THAT DEATH MUST BE CAUSED BY A SUBSTANCE OR SUBSTANCES IN A LETHAL
7 QUANTITY SUFFICIENT TO CAUSE DEATH; AND AMENDING SECTION 46-19-103, MCA."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 **Section 1.** Section 46-19-103, MCA, is amended to read:

12 **"46-19-103. Execution of death sentence.** (1) In pronouncing the sentence of death, the court shall
13 set the date of execution, which may not be less than 30 days or more than 60 days from the date the sentence
14 is pronounced. If execution has been stayed by any court and the date set for execution has passed prior to
15 dissolution of the stay, the court in which the defendant was previously sentenced shall, upon dissolution of the
16 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
17 defendant is entitled to be present in court on the day the new date of execution is set.

18 (2) Pending execution of a sentence of death, the sheriff may deliver the defendant to the Montana
19 state prison or the Montana women's prison for confinement, and the state shall bear the costs of imprisoning
20 the defendant from the date of delivery.

21 (3) The punishment of death must be inflicted by administration of ~~a continuous,~~ an intravenous
22 injection of a substance or substances in a lethal quantity ~~of an ultra-fast-acting barbiturate in combination with~~
23 ~~a chemical paralytic agent sufficient to cause death~~ until a coroner or deputy coroner pronounces that the
24 defendant is dead.

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

