

SENATE BILL No. 96

By Committee on Ways and Means

2-5

1 AN ACT concerning criminal procedure; relating to carrying out a
2 sentence of death; inspections of areas in a state correctional facility
3 designated by the secretary of corrections for use in carrying out a
4 sentence of death; amending K.S.A. 22-4002 and repealing the existing
5 section.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 22-4002 is hereby amended to read as follows: 22-
9 4002. (a) When any person is sentenced to death, the punishment shall be
10 inflicted at a state correctional facility designated by the secretary of
11 corrections, under the supervision of the secretary of corrections or the
12 warden designated by the secretary and in such a manner as to exclude the
13 view of all persons except those permitted to be present as provided in
14 K.S.A. 22-4003, and amendments thereto.

15 (b) (1) *On or before July 1, 2020, the secretary of health*
16 *environment, after consultation with the secretary of corrections, shall*
17 *adopt rules and regulations pertaining to the areas of the state*
18 *correctional facility designated pursuant to subsection (a) for use in*
19 *carrying out a sentence of death. At a minimum, these rules and*
20 *regulations shall prescribe standards for the following, as necessary to*
21 *carry out a sentence of death by intravenous injection in a swift and*
22 *humane manner: Sanitation, housekeeping, maintenance, staff*
23 *qualifications, supplies, equipment and procedures.*

24 (2) *On and after January 1, 2021, at least once each calendar year,*
25 *the secretary of health and environment shall inspect the areas of the state*
26 *correctional facility designated pursuant to subsection (a) for use in*
27 *carrying out a sentence of death. For that purpose, authorized agents of*
28 *the secretary of health and environment shall have access to the state*
29 *correctional facility during regular business hours of the department of*
30 *corrections.*

31 Sec. 2. K.S.A. 22-4002 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its
33 publication in the statute book.