**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4417**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Martin, Hiott, Bennett, V.S. Moss, Trantham, G.R. Smith, Bailey, Huggins, Wooten, Caskey, Chumley, Pope, Burns, Magnuson, Ligon, Ballentine, B. Cox, Forrest, Hixon, Kimmons, Long, D.C. Moss, B. Newton, Sandifer, Simrill, Spires, Thayer and Toole

Document Path: l:\council\bills\gt\5714cm19.docx

Companion/Similar bill(s): 176, 3301

Introduced in the House on April 4, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Executions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/4/2019 House Introduced and read first time ([House Journal‑page 50](file:///h:\hj\20190404.docx))

4/4/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 50](file:///h:\hj\20190404.docx))

4/23/2019 House Member(s) request name removed as sponsor: Atkinson

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**VERSIONS OF THIS BILL**

[4/4/2019](file:///p:\pprever\2019-20\4417_20190404.docx)

**A** **BILL**

TO AMEND SECTION 24‑3‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE A PERSON CONVICTED OF A CAPITAL CRIME AND HAVING IMPOSED UPON HIM THE SENTENCE OF DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR, AT THE ELECTION OF THE PERSON, EITHER BY LETHAL INJECTION, IF IT IS AVAILABLE AT THE TIME OF ELECTION, OR BY FIRING SQUAD UNDER THE DIRECTION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, TO PROVIDE IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, THE ELECTION EXPIRES AND MUST BE RENEWED IN WRITING, TO PROVIDE THE PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE A CONVICTED PERSON’S ELECTION MUST BE IN WRITING AND HIS SIGNATURE MUST BE WITNESSED BY TWO PERSONS WHOSE SIGNATURES MUST BE NOTARIZED, TO PROVIDE BOTH WITNESSES MUST CERTIFY THE CONVICTED PERSON’S SIGNATURE WAS MADE FREE FROM COERCION AND VOLUNTARILY GIVEN, TO PROVIDE IF EXECUTION BY LETHAL INJECTION UNDER THIS SECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION, THEN THE MANNER OF INFLICTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON, AND TO PROVIDE THE DEPARTMENT OF CORRECTIONS MUST PROVIDE WRITTEN NOTICE TO AN INMATE OF HIS RIGHT OF ELECTION UNDER THIS SECTION.

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

SECTION 1. Section 24‑3‑530 of the 1976 Code is amended to read:

“Section 24‑3‑530. (A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the person, lethal injection, if it is available at the time of election, or by firing squad under the direction of the Director of the Department of Corrections. The election for death by electrocution ~~or~~, lethal injection, or firing squad must be made in writing fourteen days before ~~the~~ each execution date or it is waived. If the inmate receives a stay of execution or the execution date has passed for any reason, the election expires and must be renewed in writing fourteen days before a new execution date. If the person waives the right of election, then the penalty must be administered by ~~lethal injection~~ electrocution.

(B) The Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected pursuant to subsection (A) is available.

~~(B)~~(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by lethal injection, and it is available, or firing squad in writing fourteen days before the execution date. The convicted person must sign and date this form. The convicted person’s signature must be witnessed by two persons who are not inmates of the Department of Corrections and not under the supervision of the Director of the Department of Corrections. The witnesses’ signatures must be duly notarized. The form must contain a certification signed by the witnesses that the convicted person’s signature is free from coercion and voluntarily given.

~~(C)~~(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution regardless of the method elected by the person.

(E) The Department of Corrections must provide written notice to an inmate of his right of election under this section.”

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

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