**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 872**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Timmons and Martin

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Companion/Similar bill(s): 4615

Introduced in the Senate on January 9, 2018

Introduced in the House on March 8, 2018

Last Amended on March 6, 2018

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

Summary: Executions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/9/2018 Senate Introduced and read first time ([Senate Journal‑page 87](file:///h:\sj\20180109.docx))

1/9/2018 Senate Referred to Committee on **Corrections and Penology** ([Senate Journal‑page 87](file:///h:\sj\20180109.docx))

2/6/2018 Senate Committee report: Favorable with amendment **Corrections and Penology** ([Senate Journal‑page 10](file:///h:\sj\20180206.docx))

2/28/2018 Senate Special order, set for February 28, 2018 ([Senate Journal‑page 46](file:///h:\sj\20180228.docx))

3/1/2018 Senate Debate interrupted ([Senate Journal‑page 30](file:///h:\sj\20180301.docx))

3/6/2018 Senate Committee Amendment Adopted ([Senate Journal‑page 19](file:///h:\sj\20180306.docx))

3/6/2018 Senate Amended ([Senate Journal‑page 19](file:///h:\sj\20180306.docx))

3/6/2018 Senate Read second time ([Senate Journal‑page 19](file:///h:\sj\20180306.docx))

3/6/2018 Senate Roll call Ayes‑26 Nays‑12 ([Senate Journal‑page 19](file:///h:\sj\20180306.docx))

3/7/2018 Senate Read third time and sent to House ([Senate Journal‑page 62](file:///h:\sj\20180307.docx))

3/8/2018 House Introduced and read first time ([House Journal‑page 20](file:///h:\hj\20180308.docx))

3/8/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 20](file:///h:\hj\20180308.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=872&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/9/2018](file:///p:\pprever\2017-18\872_20180109.docx)

[2/6/2018](file:///p:\pprever\2017-18\872_20180206.docx)

[3/6/2018](file:///p:\pprever\2017-18\872_20180306.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE ADOPTED AND AMENDED

March 6, 2018

**S. 872**

Introduced by Senator Timmons and Martin

S. Printed 3/6/18--S.

Read the first time January 9, 2018.

**A** **BILL**

TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT 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, UNDER THE DIRECTION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, TO PROVIDE THAT THE PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES THE RIGHT OF ELECTION, AND TO PROVIDE THAT 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.

Amend Title To Conform

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, under the direction of the Director of the Department of Corrections. The election for death by electrocution or lethal injection must be made in writing fourteen days before the execution date or it is waived. 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 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, in writing fourteen days before the execution date. The convicted person’s signature on this form must be witnessed by two persons who are not inmates of the Department of Corrections, and 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.”

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

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