**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4038**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Putnam

Document Path: l:\council\bills\ms\7130ahb15.docx

Introduced in the House on April 22, 2015

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

Summary: Death by firing squad

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2015 House Introduced and read first time ([House Journal‑page 18](file:///h:\HJ%20Archive\2015\04-22-15.docx))

4/22/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 18](file:///h:\HJ%20Archive\2015\04-22-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4038&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/22/2015](file:///p:\pprever\2015-16\4038_20150422.docx)

**A** **BILL**

TO AMEND SECTION 24‑3‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE METHODS OF ADMINISTERING THE DEATH PENALTY, SO AS TO INCLUDE DEATH BY FIRING SQUAD AS AN OPTION, TO PROVIDE AN ALTERNATIVE ELECTION PROCEDURE WHEN DEATH BY LETHAL INJECTION IS SELECTED AND THE STATE IS UNABLE TO OBTAIN THE SUBSTANCE OR SUBSTANCES NECESSARY TO CONDUCT AN EXECUTION BY LETHAL INJECTION, AND TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO PROMULGATE REGULATIONS RELATED TO PROCEDURES THAT MUST BE FOLLOWED IN ADMINISTERING THE DEATH PENALTY BY FIRING SQUAD.

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, or death by firing squad, at the election of the person, 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 execution date or it is waived. If the person waives the right of election, then the penalty must be administered by lethal injection. If the court determines the State is unable to lawfully obtain the substance or substances necessary to conduct an execution by lethal injection thirty or more days before the execution date, the person may elect death by either electrocution or firing squad. If the person fails to make an election by thirty days before the electrocution date, the penalty must be administered by electrocution.

(B) 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 or firing squad in writing fourteen days before the execution date.

(C) If execution by lethal injection under this section is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution or firing squad as provided in this section.

(D) If the death penalty is to be carried out by firing squad pursuant to the provisions of this section, the director of the Department of Corrections, or his designee, shall select a five‑person firing squad of local or state law enforcement officers. The Department of Corrections is authorized to promulgate regulations related to the procedures that must be followed in administering the death penalty by firing squad.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑