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# Appendixes Two and Three, When Legislatures Delegate Death: The Troubling Paradox Behind State Uses of Electrocution and Lethal Injection and What it Says About Us

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# Appendixes Two and Three, When Legislatures Delegate Death: The Troubling Paradox Behind State Uses of Electrocution and Lethal Injection and What it Says About Us

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APPENDIX 2.  
STATE TRENDS IN EXECUTION METHODS:  
1800–2001<sup>1</sup>

*ALABAMA (AL)*

1836–1922:	hanging <sup>2</sup>
1923–present:	electrocution <sup>3</sup>

*ALASKA (AK)*

1913–1956:	hanging <sup>4</sup>
1957–present:	no death penalty <sup>5</sup>

*ARIZONA (AZ)*

1901–1915:	hanging <sup>6</sup>
1916–1917:	no death penalty (except for treason and train robbery) <sup>7</sup>
1918–1932:	hanging <sup>8</sup>
1933–1991:	lethal gas <sup>9</sup>
1992–present:	lethal injection (unless the condemned inmate sentenced before the effective date of the Act

<sup>1</sup> An elaboration of the history of the statutory and case law documentation for each state can be found in Denno, *Getting to Death*, *supra* note 1, at 439–64.

<sup>2</sup> 1836 Ala. Acts p. 107 § 36 (hanging).

<sup>3</sup> 1923 Ala. Acts 587 § 1; ALA. CODE § 5309 (1923) (electrocution); ALA. CODE § 15-18-82(a) (1975) (electrocution). The Court has denied certiorari to review the Supreme Court of Alabama's finding that electrocution was constitutional. *See Tarver v. Alabama*, 120 S. Ct. 1669 (2000). On February 13, 2001, the House Judiciary Committee endorsed a bill sponsored by State Rep. Marcel Black, D-Tusculumbia, providing that lethal injection become the primary method of execution, unless the defendant affirmatively chooses electrocution. *See* H.B. 121, 2001 Leg., Reg. Sess. (Al. 2001); *see also* S.B. 52, 2001 Leg., Reg. Sess. (Al. 2001); S.B. 229, 2001 Leg., Reg. Sess. (Al. 2001) (lacking provision by which inmate may choose electrocution). It appears that the bill died in the Senate Judiciary Committee.

<sup>4</sup> 1913 Alaska Terr. Sess. Laws 20 § 2308 (hanging).

<sup>5</sup> 1957 Alaska Terr. Sess. Laws 132 § 1 (death penalty abolished).

<sup>6</sup> ARIZ. TERR. REV. STAT. 2 § 1035 (1901) (hanging).

<sup>7</sup> 1917 Ariz. Sess. Laws p. 4 § 1 (Amendments and Initiative Measures) (Initiative Act 1916, amending 1913 ARIZ. PENAL CODE § 173) (abolishing death penalty for first degree murder); *see also Ex parte Faltin*, 254 P. 477, 477–80 (Ariz. 1927) (explaining that Initiative Act 1916 abolished the death penalty for first degree murder only, but not for treason and train robbery).

<sup>8</sup> 1919 Ariz. Sess. Laws p. 20 § 10 (Amendments and Initiative Measures) (Initiative Act 1918, amending 1913 ARIZ. PENAL CODE § 173) (death penalty reinstated; hanging).

<sup>9</sup> ARIZ. CONST. art. XXII, § 22 (1933) (lethal gas).

chooses lethal gas)<sup>10</sup>

*ARKANSAS (AR)*

1894–1912:	hanging <sup>11</sup>
1913–1982:	electrocution <sup>12</sup>
1983–present:	lethal injection (electrocution for condemned inmates sentenced before the effective date of the Act unless they choose lethal injection) <sup>13</sup>

*CALIFORNIA (CA)*

1872–1936:	hanging <sup>14</sup>
1937–1991:	lethal gas <sup>15</sup>
1972–1991:	mandatory death penalty judicially abolished <sup>16</sup>
1992–1996:	lethal gas, unless the condemned inmate chooses lethal injection <sup>17</sup>
1996–present:	lethal injection, unless the

<sup>10</sup> ARIZ. CONST. art. XXII, § 22 (1933) (amended 1992) (lethal injection or lethal gas at the condemned's election if the condemned was sentenced to death for an offense committed prior to the Act's effective date; lethal injection if the pre-enactment condemned fails to choose a method); ARIZ. REV. STAT. ANN. § 13-704 (A)–(B) (West 1978) (amended 1993) (same). A defendant who is sentenced to death for an offense committed before November 23, 1992, shall choose either lethal gas or lethal injection. ARIZ. REV. STAT. ANN. § 13-704(B). Currently in Arizona, there are only 58 inmates remaining who can choose between lethal gas or lethal injection; see [www.adc.state.az.us](http://www.adc.state.az.us).

<sup>11</sup> 1894 Ark. Acts 49 § 2304 (hanging).

<sup>12</sup> 1913 Ark. Acts 55 § 2 (electrocution). The 1913 law switching to electrocution did not expressly indicate retroactive operation.

<sup>13</sup> ARK. CODE ANN. § 5-4-617(a)(1) (Michie 1983) (electrocution, or lethal injection at the condemned's election, if the condemned was sentenced to death prior to the Act's effective date; electrocution if the pre-enactment condemned fails to choose a method). This Act does not alter the execution of a death sentence imposed for crimes committed before July 4, 1983, except as provided by 1983 Ark. Acts 774 § 3 (providing that any defendant sentenced to death by electrocution before July 4, 1983, can choose lethal injection). 1983 Ark. Acts 74 § 2. Currently in Arkansas, there are only two inmates remaining who can choose between electrocution or lethal injection; see [www.accessarkansas.org/doc](http://www.accessarkansas.org/doc).

<sup>14</sup> CAL. PENAL CODE 2 § 1228 (1872) (hanging).

<sup>15</sup> 1937 Cal. Stat. 172 § 1 (lethal gas).

<sup>16</sup> *People v. Anderson*, 493 P.2d 880, 899 (Cal. 1992) (declaring the state's death penalty unconstitutional under the state prohibition against cruel and unusual punishment).

<sup>17</sup> 1992 Cal. Stat. 558 § 2 (lethal gas or lethal injection at the condemned's election; lethal gas if the condemned fails to choose a method); CAL. PENAL CODE § 3604(a)–(c) (West 1941) (amended 1992).

condemned inmate chooses lethal  
gas<sup>18</sup>

*COLORADO (CO)*

1868–1896:	hanging <sup>19</sup>
1897–1900:	no death penalty <sup>20</sup>
1901–1932:	hanging <sup>21</sup>
1933–1987:	lethal gas <sup>22</sup>
1988–present:	lethal injection <sup>23</sup>

*CONNECTICUT (CT)*

1875–1934:	hanging <sup>24</sup>
1935–1994:	electrocution <sup>25</sup>
1995–present:	lethal injection <sup>26</sup>

*DELAWARE (DE)*

1829–1957:	hanging <sup>27</sup>
1958–1960:	no death penalty <sup>28</sup>
1961–1985:	hanging <sup>29</sup>

<sup>18</sup> CAL PENAL CODE § 3604 (a)–(b) (West 1941) (amended 1996) (lethal gas or lethal injection at the condemned's election; lethal injection if the condemned fails to choose a method); *see also* LaGrand v. Stewart, 173 F.3d 1144 (9th Cir. 1999) (upholding a condemned's affirmative choice of lethal gas as a method of execution).

<sup>19</sup> COLO. REV. STAT. 22 § 183 (1868) (hanging); *see also* Garvey v. People, 6 Colo. 559, 560 (1883) (noting that prior to 1870, Colorado had instituted death by hanging).

<sup>20</sup> 1897 Colo. Sess. Laws 35 § 1 (death penalty abolished). This law was not retroactive. *Id.* § 2.

<sup>21</sup> 1901 Colo. Sess. Laws 64 § 3 (death penalty reinstated; hanging).

<sup>22</sup> 1933 Colo. Sess. Laws 61 § 1 (lethal gas). The 1933 law was not applied retroactively, even for those who committed their offense prior to the new law but who were convicted and sentenced later. *See id.*

<sup>23</sup> COLO. REV. STAT. ANN. § 16-11-401 (West 1988) (amended 1993) (lethal injection). Colorado administers lethal injection "regardless of the date of the commission of the offense or offenses for which the death penalty is imposed." *Id.*

<sup>24</sup> CONN. GEN. STAT. 13 § 19 (1875) (hanging).

<sup>25</sup> 1935 Conn. Pub. Acts 266 § 2 (electrocution); CONN. GEN. STAT. 335 § 1727c (1935). The 1935 law did not expressly indicate retroactive operation.

<sup>26</sup> CONN. GEN. STAT. ANN. § 54-100(a) (West 1963) (amended 1995) (lethal injection).

<sup>27</sup> DEL. CODE p. 143 § 4 (1829) (hanging).

<sup>28</sup> 51 Del. Laws 347 § 1 (1958) (death penalty abolished).

<sup>29</sup> 53 Del. Laws 309 § 2 (1961) (death penalty reinstated; hanging).

1986–present                      lethal injection (hanging unless the condemned inmate sentenced before the effective date of the Act chooses lethal injection)<sup>30</sup>

*FLORIDA (FL)*

1868–1922:                      hanging<sup>31</sup>  
 1923–1999:                      electrocution<sup>32</sup>  
 2000–present:                  lethal injection unless the condemned chooses electrocution<sup>33</sup>

*GEORGIA (GA)*

1845–1923:                      hanging<sup>34</sup>  
 1924–1999:                      electrocution<sup>35</sup>  
 2000–present:                  lethal injection<sup>36</sup>

<sup>30</sup> 65 Del. Laws 281 § 1 (1986) (lethal injection); 65 Del. Laws 281 § 3 (1986) (hanging, or lethal injection at the condemned's election, if the condemned's offense was committed prior to the Act's effective date; hanging if the pre-enactment condemned fails to choose a method); DEL. CODE ANN. tit. 11, § 4209(f) (1953) (amended 1986) (current 2001). The Act's effective date was June 13, 1986. 65 Del. Laws 281 § 3 (1986). Currently, only one Delaware inmate remains who can choose between hanging and lethal injection—James W. Riley; *see* Telephone Interview with Steve Dargitz, Attorney for James Riley, Wilmington, Del. (Aug. 1, 2001). Riley is currently appealing his death sentence before the Third Circuit. *See id.*; *see also* [http://www.state.de.us/correc/Data/DeathP\\_History.htm](http://www.state.de.us/correc/Data/DeathP_History.htm) (March 19, 2001) (“Only one inmate (Riley) has the option of selecting his mode of execution. If no method is selected, the Department of Correction imposes hanging. The other 15 inmates have been sentenced to be executed by lethal injection.”).

<sup>31</sup> 1868 Fla. Laws ch. 1637 § 27 (hanging).

<sup>32</sup> 1923 Fla. Laws ch. 9169 § 2 (electrocution); FLA. STAT. ch. 922.10 (1992) (amended 1994). The 1923 law did not expressly indicate retroactive operation.

<sup>33</sup> FLA. STAT. ANN. § 922.105(1) (West 1998) (amended 2000) (providing for execution by lethal injection unless the condemned affirmatively chooses electrocution). This statute can be retroactively applied. *See* *Bryan v. State*, 753 So.2d 1244, 1254–55 (Fla. 2000); *see also* H.B. 951, 103d Leg., Reg. Sess. (Fl. 2001) (authorizing retroactive changes in method of execution); S.B. 124, 103d Leg., Reg. Sess. (Fl. 2001) (allowing any method of execution not prohibited by the Federal Constitution and authorizing a retroactive application of a change in any method of execution).

<sup>34</sup> GA. CODE p. 794 § 85 (1845) (hanging).

<sup>35</sup> 1924 Ga. Laws 475 § 1 (electrocution); GA. CODE ANN. § 17-10-38(a) (1985).

<sup>36</sup> GA. CODE ANN. § 17-10-38(a) (1985) (amended 2000) (lethal injection). Condemned individuals sentenced to death for capital crimes committed on or after May 1, 2000, shall be executed by lethal injection, and condemned individuals sentenced to death for crimes committed prior to the effective date of the Act shall be executed by electrocution. 2000 Ga. Laws 947 § 1. *But see* *Dawson v. State*, 554 S.E.2d 137 (Oct. 5, 2001) (holding that death by electrocution

*HAWAII (HI)*

1925-1955:	hanging <sup>37</sup>
1956-present:	no death penalty <sup>38</sup>

*IDAHO (ID)*

1864-1977:	hanging <sup>39</sup>
1978-1981:	lethal injection <sup>40</sup>
1982-present:	lethal injection at the election of the director of the department of corrections; firing squad if injection is "impractical" <sup>41</sup>

*ILLINOIS (IL)*

1839-1926:	hanging <sup>42</sup>
1927-1982:	electrocution <sup>43</sup>
1983-present:	lethal injection <sup>44</sup>

*INDIANA (IN)*

1889-1912:	hanging <sup>45</sup>
1913-1994:	electrocution <sup>46</sup>
1995-present:	lethal injection <sup>47</sup>

*IOWA (IA)*

1878-1964:	hanging <sup>48</sup>
1965-present:	no death penalty <sup>49</sup>

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violated the State constitution's prohibition against cruel and unusual punishment).

<sup>37</sup> HAW. TERR. REV. STAT. 229 § 4095 (1925) (hanging).

<sup>38</sup> 1956 Haw. Terr. Sess. Laws 282 §§ 1-14 (death penalty abolished).

<sup>39</sup> 1864 Idaho Terr. Sess. Laws p. 269 § 467 (hanging).

<sup>40</sup> 1978 Idaho Sess. Laws 70 § 1 (lethal injection).

<sup>41</sup> IDAHO CODE § 19-2716 (Michie 1982) (providing for execution by lethal injection unless the director of department of corrections deems the firing squad more practical).

<sup>42</sup> 1839 Ill. Laws div. 15 § 156 (hanging).

<sup>43</sup> 1927 Ill. Laws div. 14 § 1 (electrocution).

<sup>44</sup> 1983 Ill. Laws 83-233 § 1 (lethal injection); 725 ILL. COMP. STAT. 5/119-5(a)(1) (1983) (amended 1992).

<sup>45</sup> 1889 Ind. Acts art. 22 § 367 (hanging).

<sup>46</sup> 1913 Ind. Acts 315 § 1 (electrocution).

<sup>47</sup> IND. CODE § 35-38-6-1(a) (1983) (amended 1995) (lethal injection).

<sup>48</sup> 1878 Iowa Acts 165 § 9 (hanging).

*KANSAS (KS)*

1872–1906:	hanging <sup>50</sup>
1907–1934:	no death penalty <sup>51</sup>
1935–1993:	hanging <sup>52</sup>
1994–present:	lethal injection <sup>53</sup>

*KENTUCKY (KY)*

1894–1909:	hanging <sup>54</sup>
1910–1997:	electrocution <sup>55</sup>
1998–present:	lethal injection (unless the condemned inmate sentenced before the effective date of the Act chooses electrocution) <sup>56</sup>

*LOUISIANA (LA)*

1884–1939:	hanging <sup>57</sup>
1940–1989:	electrocution <sup>58</sup>
1990–present:	lethal injection (unless the condemned inmate sentenced before the effective date of the Act chooses electrocution) <sup>59</sup>

<sup>49</sup> 1965 Iowa Acts 435, 436 (death penalty abolished).

<sup>50</sup> 1872 Kan. Sess. Laws 166 § 2 (hanging).

<sup>51</sup> 1907 Kan. Sess. Laws 188 §§ 1, 2 (death penalty abolished).

<sup>52</sup> 1935 Kan. Sess. Laws 154 § 1 (death penalty reinstated); 1935 Kan. Sess. Laws 155 § 1 (hanging).

<sup>53</sup> KAN. STAT. ANN. § 22-4001(a)(1993)(amended 1994) (lethal injection). The 1994 law was not retroactive. 1994 Kan. Sess. Laws 252 § 25.

<sup>54</sup> KY. STAT. ANN. 36 § 1137 (1894) (hanging).

<sup>55</sup> 1910 Ky. Acts 38 § 1 (electrocution). The 1910 law did not apply to offenses committed before its passage. *Id.* § 10.

<sup>56</sup> KY. REV. STAT. ANN. § 431.220 (1)(a)–(1)(b) (Michie 1998) (providing for execution by lethal injection unless the condemned inmate who received the death sentence before March 31, 1998, affirmatively chooses electrocution). Currently in Kentucky, there are only thirty inmates remaining who can choose between electrocution or lethal injection. *See* [www.cor.state.ky.us](http://www.cor.state.ky.us).

<sup>57</sup> 1884 La. Acts p. 166 § 983 (hanging).

<sup>58</sup> 1940 La. Acts 14 § 1 (electrocution). The 1940 electrocution law did not expressly indicate retroactive operation. However, in *State ex rel. Pierre v. Jones*, 9 So.2d 42 (La. 1942), the Supreme Court of Louisiana held that the electrocution statute should apply retroactively to those who had been sentenced to hang, emphasizing that “electrocution is recognized as a more humane and less painful manner or means of carrying out the death penalty than by hanging.” *Id.* at 43.

<sup>59</sup> LA. REV. STAT. ANN. § 15:569 (A-B) (West 1991) (providing for execution by electrocution for inmates sentenced to death prior to September 15, 1991, and execution by lethal injection for



*MAINE (ME)*

1841–1886:	hanging <sup>60</sup>
1887–present:	no death penalty <sup>61</sup>

*MARYLAND (MD)*

1809–1954:	hanging <sup>62</sup>
1955–1993:	lethal gas <sup>63</sup>
1994–present:	lethal injection (unless the condemned inmate sentenced before the effective date of the Act chooses lethal gas) <sup>64</sup>

*MASSACHUSETTS (MA)*

1835–1897:	hanging <sup>65</sup>
1898–1981:	electrocution <sup>66</sup>
1975–1981:	death penalty judicially abolished <sup>67</sup>

inmates sentenced to death after September 15, 1991). Notably, in practice, Louisiana has executed only by lethal injection since the change in statute. *See* Telephone Interview with Cathy Fontenot, Director of Classification, Louisiana State Penitentiary (Aug. 22, 2001) (noting that after Louisiana's 1991 switch to lethal injection, all death warrants issued by judges have specified execution by lethal injection irrespective of the wording of the Louisiana state statute; on July 22, 1990, Andrew Jones was the last person executed by electrocution in Louisiana).

<sup>60</sup> ME. REV. STAT. tit. 12, 168 § 10 (1841) (hanging).

<sup>61</sup> 1887 Me. Laws 133 (death penalty abolished).

<sup>62</sup> 1809 Md. Laws 138 § 16 (hanging).

<sup>63</sup> 1955 Md. Laws 625 § 1 (lethal gas). The 1955 law did not apply to offenses committed prior to June 1, 1955 (one year before the Act's effective date of June 1, 1956). *Id.*

<sup>64</sup> 1994 Md. Laws 5 § 1 (lethal injection); 1994 Md. Laws 5 § 2 (lethal injection, or lethal gas at the condemned's election, if the condemned's death sentence was imposed prior to the Act's effective date; lethal injection if the pre-enactment condemned fails to choose a method); MD. CODE ANN. art. 27, § 627 (1957) (amended 1994) (lethal injection). All Maryland pre-enactment prisoners electing to be executed by lethal gas were required to provide a written request for lethal gas within 60 days after the Act's effective date of March 25, 1994. Their right to a lethal gas execution would be waived if they made no such timely request. *See* 1994 Md. Laws 5 § 2. Currently, no prisoner now on Maryland's death row elected lethal gas by May 24, 1994, the last day of the election period. Therefore, Maryland's pre-enactment choice provision no longer has practical significance.

<sup>65</sup> MASS. REV. STAT. 139 § 13 (1835) (hanging).

<sup>66</sup> 1898 Mass. Acts 326 § 6 (electrocution). The 1898 law did not apply to persons sentenced to death for offenses committed prior to the effective date of the Act. *Id.* § 8.

<sup>67</sup> In *Commonwealth v. O'Neal*, 339 N.E.2d 676, 687–88 (Mass. 1975), and *Commonwealth v. Harrington*, 323 N.E.2d 895, 901 (Mass. 1975), the Supreme Judicial Court of Massachusetts

- 1982–present: electrocution, unless the condemned inmate chooses lethal injection<sup>68</sup>  
 1984–present: death penalty judicially abolished<sup>69</sup>

*MICHIGAN (MI)*

- 1816–1845: hanging<sup>70</sup>  
 1846–present: no death penalty<sup>71</sup>

*MINNESOTA (MN)*

- 1905–1910: hanging<sup>72</sup>  
 1911–present: no death penalty<sup>73</sup>

*MISSISSIPPI (MS)*

- 1906–1939: hanging<sup>74</sup>  
 1940–1953: electrocution (hanging for condemned inmates sentenced before the effective date of the Act unless they choose electrocution)<sup>75</sup>  
 1954–1983: lethal gas (electrocution for condemned inmates sentenced before the effective date of the Act unless they choose lethal gas)<sup>76</sup>

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struck down the death penalty statute as unconstitutional.

<sup>68</sup> 1982 Mass. Acts 554 § 6 (electrocution or lethal injection at the condemned's election; electrocution if the condemned fails to choose a method). The 1982 law did not apply to offenses committed prior to the effective date of the Act, January 1, 1983. *Id.* § 8.

<sup>69</sup> In *Commonwealth v. Colon-Cruz*, 470 N.E.2d 116 (Mass. 1984), the Supreme Judicial Court of Massachusetts again declared the state's death penalty statute unconstitutional. *Id.* at 119–34. While the death penalty statute remains on the books, it is effectively abolished. Furthermore, no one has been executed in Massachusetts since 1949. See *High Court Will Be Asked For Ruling on Death Penalty Law*, BOSTON GLOBE, May 6, 1984, at 31; Jeremy Crockford, *Death Penalty Vote Sought*, PATRIOT LEDGER, Aug. 3, 1995, at 1.

<sup>70</sup> 1816 Mich. Terr. Laws p. 134 § 64 (hanging).

<sup>71</sup> MICH. REV. STAT. tit. 30, ch. 153, § 1 (1846) (abolishing the death penalty).

<sup>72</sup> Minn. Rev. Laws 104 § 5419 (1905) (hanging).

<sup>73</sup> 1911 Minn. Laws 387 § 1 (death penalty abolished).

<sup>74</sup> MISS. CODE ANN. tit. 31, ch. 168 § 11 (1906) (hanging).

<sup>75</sup> 1940 Miss. Laws 242 § 1 (electrocution); 1940 Miss. Laws 242 § 8 (electrocution or hanging at the condemned's election if the condemned's death sentence was imposed prior to the Act's effective date; hanging if the condemned fails to choose a method).

<sup>76</sup> 1954 Miss. Laws 220 § 1 (lethal gas); *id.* at § 4 (lethal gas or electrocution at the condemned's election if the condemned's death sentence was imposed prior to the Act's effective date; electrocution if the condemned fails to choose a method).

1984–1997:	lethal injection (lethal gas for condemned inmates sentenced before the effective date of the Act) <sup>77</sup>
1998–present:	lethal injection <sup>78</sup>

*MISSOURI (MO)*

1866–1936:	hanging <sup>79</sup>
1937–1987:	lethal gas <sup>80</sup>
1988–present:	lethal gas or lethal injection; statute leaves unclear at whose election <sup>81</sup>

*MONTANA (MT)*

1895–1982:	hanging <sup>82</sup>
1983–1996:	hanging, unless the condemned inmate chooses lethal injection <sup>83</sup>
1997–present:	lethal injection <sup>84</sup>

<sup>77</sup> 1984 Miss. Laws 448 § 2 (lethal injection; lethal gas if the condemned's death sentence was imposed prior to the Act's effective date); MISS. CODE ANN. § 99-19-51(1) (1972) (amended 1994).

<sup>78</sup> MISS. CODE ANN. § 99-19-51 (1972) (amended 1998) (lethal injection). The 1998 amendment deleted the provision allowing for executions in the gas chamber.

<sup>79</sup> MO. REV. STAT. 214 § 27 (1866) (hanging).

<sup>80</sup> 1937 Mo. Laws p. 222 § 1 (lethal gas). The 1937 law did not expressly indicate retroactive operation. However, in *State v. Brockington*, 162 S.W. 2d 860 (Mo. 1942), the Supreme Court of Missouri held that the lethal gas statute should apply retroactively to those sentenced to hanging. *See id.* at 860–61.

<sup>81</sup> MO. REV. STAT. § 546.720 (1988) (lethal injection or lethal gas). The 1988 law did not expressly indicate retroactive operation. 1988 Mo. Laws p. 985 § A (lethal gas or lethal injection). In addition, the 1988 law states only that "[t]he manner of inflicting the punishment of death shall be by the administration of lethal gas or by means of the administration of lethal injection." *Id.* It thus leaves unclear who decides what method of execution to use. In practice, the Director of the Missouri Department of Corrections decides which method to use for an execution. Lethal injection is the Director's method of choice now and for the foreseeable future because the gas chamber is not appropriately equipped. *See* Telephone Interview with Tim Kniest, Public Information Officer, Missouri Dep't of Corrections (Aug. 7, 2001).

<sup>82</sup> MONT. CODE tit. VIII, ch. 2, § 2255 (1895) (hanging).

<sup>83</sup> 1983 Mont. Laws 411 § 4 (hanging or lethal injection at the condemned's election; hanging if the condemned fails to choose a method); MONT. CODE ANN. § 46-19-103(3) (1983) (amended 1989).

<sup>84</sup> MONT. CODE ANN. § 46-19-103(3) (1983) (amended 1997) (lethal injection). The 1997 amendment abolished hanging entirely.

*NEBRASKA (NE)*

1895–1912:	hanging <sup>85</sup>
1913–present:	electrocution <sup>86</sup>

*NEVADA (NV)*

1885–1911:	hanging <sup>87</sup>
1912–1920:	hanging or firing squad at the condemned inmate's election; court's choice if defendant fails to choose <sup>88</sup>
1921–1982:	lethal gas <sup>89</sup>
1983–present:	lethal injection <sup>90</sup>

*NEW HAMPSHIRE (NH)*

1891–1985:	hanging <sup>91</sup>
1986–present:	lethal injection at the election of the commissioner of corrections; hanging if injection is “impractical” <sup>92</sup>

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<sup>85</sup> NEB. COMP. STAT. 51 § 7276 (1895) (hanging).

<sup>86</sup> 1913 Neb. Laws 32 § 1 (electrocution); NEB. REV. STAT. § 29-2532 (1943) (electrocution). The 1913 law did not apply to offenses committed prior to its effective date. 1913 Neb. Laws 32 § 1. In January, 2001, bills were introduced by Sens. Jon Bruning and Kermit Brashear to replace electrocution with lethal injection. L.B. 62, 97th Leg., 1st Reg. Sess. (Ne. 2001); L.B. 356, 97th Leg., 1st Reg. Sess. (Ne. 2001). It is unlikely that these will be passed this year. However, two court rulings within the past year have found that Nebraska's four-jolt method of electrocution violates state law. *See* Todd von Kampen, *Sticking with 4 Jolts for Now, Two Officials Say A Second Judge's Ruling Against How the Electric Chair is Used Won't Prompt Quick Changes*, OMAHA WORLD-HERALD, Feb. 23, 2001, at 9; *see also* NEB. REV. STAT. § 29-2532 (1943) (“The mode of inflicting the punishment of death, in all cases, shall be by causing to pass through the body of the convicted person a current of electricity of sufficient intensity to cause death; and the application of such current shall be continued until such convicted person is dead.”).

<sup>87</sup> NEV. GEN. STAT. ANN. 21 § 4348 (1885) (hanging).

<sup>88</sup> NEV. REV. STAT. p. 2039 § 7281 (1912) (hanging or firing squad at the condemned's election; the court's choice if the condemned fails to choose a method). The 1912 law did not expressly indicate retroactive operation.

<sup>89</sup> 1921 Nev. Stat. 246 § 1 (lethal gas). The 1921 lethal gas law did not expressly indicate retroactive operation.

<sup>90</sup> NEV. REV. STAT. ANN. 176 § 176.355(1) (Michie 1983) (amended 1995) (lethal injection). The 1983 law did not expressly indicate retroactive operation.

<sup>91</sup> N.H. PUB. STAT. 255 § 6 (1891) (hanging).

<sup>92</sup> N.H. REV. STAT. ANN. § 630:5 (XIII-XIV) (1986) (providing for execution by lethal injection unless the director of the department of corrections deems hanging more practical). The

*NEW JERSEY (NJ)*

1898–1905:	hanging <sup>93</sup>
1906–1982:	electrocution <sup>94</sup>
1983–present:	lethal injection <sup>95</sup>

*NEW MEXICO (NM)*

1880–1928:	hanging <sup>96</sup>
1929–1954:	electrocution <sup>97</sup>
1955–1978:	lethal gas <sup>98</sup>
1979–present:	lethal injection (electrocution or lethal gas, respectively, for condemned inmates sentenced before the effective dates of the electrocution and lethal injection Acts) <sup>99</sup>

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1986 law stated that “[t]his act shall apply to all executions carried out on or after January 1, 1987, irrespective of the date sentence was imposed.” 1986 N.H. Laws § 82:2.

<sup>93</sup> 1898 N.J. Laws p. 237 § 127 (hanging).

<sup>94</sup> 1906 N.J. Laws 79 § 1 (electrocution). The 1906 law went into effect on March 1, 1907, and applied only to crimes committed after that date. *Id.* § 14.

<sup>95</sup> 1983 N.J. Laws 245 (lethal injection); N.J. REV. STAT. § 2C:49-2 (1983) (lethal injection). The 1983 law did not expressly indicate retroactive operation.

<sup>96</sup> 1880 N.M. Laws p. 254 § 6 (hanging).

<sup>97</sup> 1929 N.M. Laws 69 § 11 (electrocution). The 1929 law did not expressly indicate retroactive operation. However, in *Woo Dak San v. State*, 7 P.2d 940 (N.M. 1931), the Supreme Court of New Mexico held that the new law substituted electrocution for hanging as the method of execution, even for those individuals under a sentence of hanging on the effective date of the statute. *See id.* at 941.

<sup>98</sup> 1955 N.M. Laws 127 § 1 (lethal gas). The 1955 law did not apply to capital offenses committed prior to the Act’s effective date. *Id.* § 3.

<sup>99</sup> 1979 N.M. Laws 150 § 8 (lethal injection); N.M. STAT. ANN. § 31-14-11 (Michie 1978) (lethal injection) (“All references in the laws of the state of New Mexico relating to execution by electrocution or by lethal gas shall, insofar as such provisions are applicable, apply to, and mean, execution by means of injection, except as to capital offenses already committed.”). The 1979 law did not apply to capital offenses committed prior to the Act’s effective date of July 1, 1979. *See* 1979 N.M. Laws 150 § 10. However, there is no inmate who is subject to any method of execution other than lethal injection. *See* Telephone Interview with John Shanks, Deputy Secretary for Operations with the New Mexico Department of Corrections (Aug. 3, 2001) (explaining that there are no inmates on New Mexico’s death row who were there before 1979, when the lethal injection statute was enacted).

## NEW YORK (NY)

1778–1887:	hanging <sup>100</sup>
1888–1964:	electrocution <sup>101</sup>
1965–1973:	no death penalty (except for the murders of peace officers engaged in their duties or for the murders committed by prisoners serving a term of life imprisonment) <sup>102</sup>
1974–1994:	electrocution <sup>103</sup>
1977–1983:	part of the mandatory death penalty judicially abolished <sup>104</sup>
1984–1994:	remainder of the mandatory death penalty judicially abolished <sup>105</sup>
1995–present:	lethal injection <sup>106</sup>

## NORTH CAROLINA (NC)

1883–1908:	hanging <sup>107</sup>
1909–1934:	electrocution <sup>108</sup>

<sup>100</sup> 1886 N.Y. Laws 19 (Act passed on Mar. 30, 1778) (hanging).

<sup>101</sup> 1888 N.Y. Laws 489 § 5 (electrocution). In 1886, Governor David B. Hill appointed a commission to find a method of execution that was “more humane than hanging.” Denno, *Electrocution*, *supra* note 1, at 566–67. The 1888 law switching to electrocution did not apply to any offenses committed prior to the Act’s effective date. *See id.* at 573 (noting that under New York’s Electrical Execution Act, anyone convicted of a capital crime after January 1, 1989, would be electrocuted rather than hanged).

<sup>102</sup> 1965 N.Y. Laws 321 § 1 (death penalty partially abolished). The 1965 statute abolished the death penalty except for the murders of peace officers engaged in their duties or for the murders committed by prisoners serving a term of life imprisonment. *Id.*

<sup>103</sup> 1974 N.Y. Laws 367 § 2 (death penalty reinstated; electrocution). The 1974 statute reinstated the death penalty and made the penalty mandatory for murderers of police officers or prison workers and for murders committed by inmates serving a term of life imprisonment. *Id.*

<sup>104</sup> In *People v. Davis*, 371 N.E.2d 456 (N.Y. 1977), the New York Court of Appeals held unconstitutional the statutes that imposed mandatory death sentences for certain enumerated crimes. *See id.* at 463–64.

<sup>105</sup> In *People v. Smith*, 468 N.E.2d 879 (N.Y. 1984), the New York Court of Appeals invalidated the last remaining mandatory death penalty provision, which imposed the death sentence for murder by an inmate serving a term of life imprisonment. *See id.* at 896–98.

<sup>106</sup> 1995 N.Y. Laws 1 § 32 (lethal injection); N.Y. CORRECT. LAW § 658 (McKinney 1995) (lethal injection). According to 1995 N.Y. Laws 1 § 38, “[t]his act shall take effect on [Sept. 1, 1995] and shall apply only to offenses committed on or after such date.”

<sup>107</sup> N.C. CODE p. 861, Index (1883) (hanging).

<sup>108</sup> 1909 N.C. Sess. Laws 443 § 1 (electrocution). The 1909 law did not apply to crimes committed before the law’s effective date. *Id.*

1935–1982:	lethal gas <sup>109</sup>
1983–1997:	lethal gas, or lethal injection at the defendant's election; lethal gas if the defendant fails to choose <sup>110</sup>
1998–present:	lethal injection <sup>111</sup>

#### NORTH DAKOTA (ND)

1895–1914:	hanging <sup>112</sup>
1915–1972:	no death penalty (except for first degree murder committed by a prisoner serving a life sentence for first degree murder) <sup>113</sup>
1973–present:	no death penalty <sup>114</sup>

#### OHIO (OH)

1835–1895:	hanging <sup>115</sup>
1896–1992:	electrocution <sup>116</sup>
1993–2000:	electrocution, unless the condemned inmate chooses lethal injection <sup>117</sup>

<sup>109</sup> 1935 N.C. Sess. Laws 294 § 1 (lethal gas). The 1935 law did not apply to crimes committed before its effective date. See *State v. Brice*, 197 S.E. 690, 691 (N.C. 1938) (noting that because the crime occurred before the enactment of the 1935 statute, the defendant would be administered electrocution rather than lethal gas); *State v. Hester*, 182 S.E. 738, 740–41 (N.C. 1935) (indicating that the language concerning which offenses pertained to the 1935 Act was identical to, and modeled from, the 1909 statute).

<sup>110</sup> 1983 N.C. Sess. Laws 678 § 1 (lethal gas, or lethal injection at the condemned's election; lethal gas if the condemned fails to choose a method); N.C. GEN. STAT. § 15-187 (1983). It seems that the 1983 law did not apply to crimes committed before the statute's effective date.

<sup>111</sup> N.C. GEN. STAT. § 15-187 (1983) (amended 1998) (abolishing death by electrocution and lethal gas and providing for execution by lethal injection only). The 1998 amendment rewrote the section providing that condemned inmates would be executed by lethal gas unless affirmatively choosing to be executed by lethal injection. *Id.*

<sup>112</sup> N.D. REV. CODE § 8319 (1895) (hanging).

<sup>113</sup> 1915 N.D. Laws 63 § 1 (death penalty partially abolished). The 1915 bill did not abolish the death penalty for first degree murder committed by a prisoner serving a life sentence for first degree murder. *See id.*

<sup>114</sup> 1973 N.D. Laws 116 § 41 (death penalty abolished). The 1973 law abolished the death penalty for all crimes. *See id.*

<sup>115</sup> 1835 Ohio Acts p. 41 § 40 ("An Act Providing for the Punishment of Crimes") (hanging).

<sup>116</sup> 1896 Ohio Laws p. 159 § 1 (electrocution). This law applied only to crimes committed from and after July 1, 1896. *Id.* § 5.

<sup>117</sup> OHIO REV. CODE ANN. § 2949.22 (A)–(B1) (West 1993) (amended 1994) (providing for execution by electrocution unless the condemned inmate affirmatively chooses lethal injection). The 1993 law did not expressly indicate retroactive application. 1993 Ohio Laws 38 § 1. In July,

2001–present: lethal injection only<sup>118</sup>

*OKLAHOMA (OK)*

1890–1912: hanging<sup>119</sup>  
 1913–1950: electrocution<sup>120</sup>  
 1951–1976: lethal gas<sup>121</sup>  
 1977–present: lethal injection<sup>122</sup>

*OREGON (OR)*

1874–1913: hanging<sup>123</sup>  
 1914–1919: no death penalty<sup>124</sup>  
 1920–1936: reinstated but method unknown  
                  (hanging presumed)<sup>125</sup>  
 1937–1963: lethal gas<sup>126</sup>  
 1964–1977: no death penalty<sup>127</sup>  
 1978–1983: lethal gas<sup>128</sup>  
 1981–1983: death penalty judicially abolished<sup>129</sup>  
 1984–present: lethal injection<sup>130</sup>

2001, prison officials at Ohio's Department of Rehabilitation and Correction asked the Ohio Legislature to abolish the use of electrocution because they are concerned that the electric chair may malfunction. Lethal injection would then become the only execution method option. Governor Taft stated that he would support banning Ohio's use of the electric chair. *See National Briefing (Midwest)*, N.Y. TIMES, July 19, 2001, at A18.

<sup>118</sup> H.B. 362, 124th Gen. Assem., Reg. Sess. (Ohio 2001).

<sup>119</sup> OKLA. TERR. STAT. 72 § 40 (1890) (hanging).

<sup>120</sup> 1913 Okla. Sess. Laws 113 § 1 (electrocution). The 1913 law did not expressly indicate retroactive operation.

<sup>121</sup> 1951 Okla. Sess. Laws 17 § 1 (lethal gas). The 1951 law provided that the method of execution would be electrocution until a lethal gas chamber was built. *Id.*

<sup>122</sup> OKLA. STAT. ANN. tit. 22, § 1014(A) (West 1977) (lethal injection). The 1977 law did not expressly indicate retroactive application. 1977 Okla. Sess. Laws 41 § 1.

<sup>123</sup> 1874 Or. Laws p. 115 § 1 (hanging).

<sup>124</sup> 1915 Or. Laws 92 § 1 (abolishing the death penalty).

<sup>125</sup> 1920 Or. Laws 19 § 1, 21 § 1 (death penalty reinstated). Between 1920 and 1937, the method of inflicting the death penalty was not made clear in the statutes.

<sup>126</sup> 1937 Or. Laws 274 § 1 (lethal gas). The 1937 law did not apply to offenses committed prior to its effective date. *Id.* § 2.

<sup>127</sup> 1964 Or. Laws p. 6 art. I (Capital Punishment Bill) (death penalty abolished).

<sup>128</sup> 1979 Or. Laws 2 § 3 (death penalty reinstated) (Act effective on Dec. 7, 1978); 1979 Or. Laws 2 § 7 (lethal gas).

<sup>129</sup> In *State v. Quinn*, 623 P.2d 630 (Or. 1981), the Supreme Court of Oregon declared the death penalty statute unconstitutional. *See id.* at 639–44. The statute did not operate for three years.

<sup>130</sup> 1984 Or. Laws 3 § 7 (lethal injection); OR. REV. STAT. § 137.473(1) (1985) (lethal injection). The 1984 law did not expressly indicate retroactive application.



## PENNSYLVANIA (PA)

1860–1912:	hanging <sup>131</sup>
1913–1989:	electrocution <sup>132</sup>
1990–present:	lethal injection <sup>133</sup>

## RHODE ISLAND (RI)

1822–1972:	hanging <sup>134</sup>
1973–1983:	lethal gas <sup>135</sup>
1979–1983:	mandatory death penalty judicially abolished <sup>136</sup>
1984–present:	no death penalty <sup>137</sup>

## SOUTH CAROLINA (SC)

1841–1911:	hanging <sup>138</sup>
1912–1994:	electrocution <sup>139</sup>
1995–present:	electrocution, or lethal injection at the defendant's election; lethal injection if the post-enactment defendant fails to choose; electrocution if the pre-enactment defendant fails to choose a method <sup>140</sup>

<sup>131</sup> 1860 Pa. Laws p. 402 tit. vi § 75 (hanging).

<sup>132</sup> 1913 Pa. Laws 338 § 1 (electrocution). The 1913 law did not apply to offenses committed prior to its approval date. *Id.* § 11.

<sup>133</sup> 1990 Pa. Laws p. 572, no. 1990-145, § 1 (lethal injection); 61 PA. CONS. STAT. ANN. § 3004(a) (West 1998) (lethal injection), *repealing* PA. STAT. ANN. tit. 61, § 2121.1 (West 1990) (amended 1995). The 1990 law did not indicate retroactive operation.

<sup>134</sup> 1822 R.I. Pub. Laws p. 353 § 63 (hanging).

<sup>135</sup> 1973 R.I. Pub. Laws 280 § 1 (lethal gas). The 1973 law did not expressly indicate retroactive operation. *Id.* § 2.

<sup>136</sup> In *State v. Cline*, 397 A.2d 1309 (R.I. 1979), the Supreme Court of Rhode Island declared the state's mandatory death penalty unconstitutional. *See id.* at 1309–11.

<sup>137</sup> 1984 R.I. Pub. Laws 221 § 1 (death penalty abolished).

<sup>138</sup> S.C. CODE p. 446, Punishment (1841) (hanging) (“on the conviction of a slave or free person of color, for a capital offense”).

<sup>139</sup> 1912 S.C. Acts 402 § 1 (electrocution).

<sup>140</sup> 1995 S.C. Acts 83 § 25; S.C. CODE ANN. § 24-3-530(A-B) (Law Co-op. 1993) (amended 1995) (providing for execution by electrocution, or lethal injection at the defendant's election; lethal injection if the post-enactment defendant fails to choose a method; electrocution if the pre-enactment defendant fails to choose a method). South Carolina's choice act became effective on June 8, 1995. *See* 1995 S.C. Acts 108 § 2. Currently in South Carolina, there are an undesignated number of inmates remaining who can choose between electrocution or lethal injection. *See* [www.state.sc.us/scdc](http://www.state.sc.us/scdc).

*SOUTH DAKOTA (SD)*

1877–1915:	hanging <sup>141</sup>
1915–1938:	no death penalty <sup>142</sup>
1939–1983:	electrocution <sup>143</sup>
1984–present:	lethal injection <sup>144</sup>

*TENNESSEE (TN)*

1858–1912:	hanging <sup>145</sup>
1913–1914:	electrocution <sup>146</sup>
1915–1916:	no death penalty (except for the crime of rape and for convicts serving life terms who have been convicted of any offense previously punishable by death) <sup>147</sup>
1917–1997:	electrocution <sup>148</sup>
1998–1999:	lethal injection (electrocution for condemned inmates sentenced before the effective date of the Act unless they choose lethal injection) <sup>149</sup>
2000–present:	lethal injection (unless the

<sup>141</sup> S.D. TERR. REV. CODE p. 902 § 467 (1877) (hanging).

<sup>142</sup> 1915 S.D. Laws 158 §§ 1–3 (death penalty abolished).

<sup>143</sup> 1939 S.D. Laws 30 § 1 (death penalty reinstated); 1939 S.D. Laws 135 § 11 (electrocution). The 1939 law did not expressly indicate retroactive operation.

<sup>144</sup> 1984 S.D. Laws 181 (lethal injection); S.D. CODIFIED LAWS § 23A-27A-32 (Michie 1984) (lethal injection). The 1984 law did not expressly indicate retroactive operation.

<sup>145</sup> TENN. CODE 2 § 4601 (1858) (hanging).

<sup>146</sup> 1913 Tenn. Pub. Acts 36 § 1 (first executive session) (electrocution). Although the 1913 law did not expressly indicate retroactive operation, the Supreme Court of Tennessee held that the law should be retroactive. *See Shipp v. State*, 172 S.W. 317, 318 (Tenn. 1914) (holding that the legislature intended that the death penalty be imposed “by means of electrocution in all cases where the sentence of death was pronounced after the act of 1913 went into effect, without regard to whether the crime was committed before or after the passage of the act.”).

<sup>147</sup> 1915 Tenn. Pub. Acts 181 § 1 (death penalty partially abolished). The 1915 law did not abolish the death penalty for the crime of rape or for convicts serving life terms convicted of any offense previously punishable by death.

<sup>148</sup> TENN. CODE ANN. § 6442 (1917) (death penalty reinstated; electrocution); TENN. CODE ANN. S 40-23-114 (1932).

<sup>149</sup> TENN. CODE ANN. § 40-23-114 (1932) (amended 1998) (providing for execution by lethal injection for condemned inmates sentenced for an offense committed after January 1, 1999, but execution by electrocution for condemned inmates sentenced for an offense committed prior to January 1, 1999, unless the inmates affirmatively choose lethal injection).

condemned inmate sentenced before  
the effective date of the Act chooses  
electrocution)<sup>150</sup>

*TEXAS (TX)*

1836–1922:	hanging <sup>151</sup>
1923–1976:	electrocution <sup>152</sup>
1977–present:	lethal injection <sup>153</sup>

*UTAH (UT)*

1852–1897:	firing squad, hanging, or beheading at the court's or condemned's election <sup>154</sup>
1898–1979:	firing squad or hanging at the condemned inmate's election; court's choice if the condemned inmate fails to choose <sup>155</sup>
1980–1982:	firing squad <sup>156</sup>
1983–present:	lethal injection, unless the condemned inmate chooses the firing squad <sup>157</sup>

<sup>150</sup> TENN. CODE ANN. § 40-23-114 (1932) (amended 2000) (providing for execution by lethal injection, unless the condemned inmate sentenced for an offense committed prior to January 1, 1999, affirmatively chooses electrocution).

<sup>151</sup> 1836 Repub. Tex. Laws pp. 194–95 § 52 (An Act Punishing Crimes and Misdemeanors) (hanging).

<sup>152</sup> 1923 Tex. Gen. Laws 51 § 1 (electrocution). The 1923 law did not apply to sentences imposed prior to its effective date. *Id.* § 13.

<sup>153</sup> 1977 Tex. Gen. Laws 138 § 1; TEX. CODE CRIM. PROC. ANN. art. 43.14 (Vernon 1977) (amended 1995) (lethal injection). The 1977 law did not expressly indicate retroactive operation.

<sup>154</sup> 1852 Utah Terr. Laws tit. XII, pp. 142–43 § 125 (“General Definition and Provision as to Crimes and Offenses”) (Mar. 6, 1852) (firing squad, hanging, or beheading at the court's or condemned's election).

<sup>155</sup> UTAH REV. STAT. § 4939 (1898) (firing squad or hanging at the condemned's election; court's choice if the condemned fails to choose a method).

<sup>156</sup> 1980 Utah Laws 15 § 2 (firing squad). The 1980 law did not expressly indicate retroactive application.

<sup>157</sup> UTAH CODE ANN. § 77-18-5.5 (1953) (amended 1983) (firing squad or lethal injection at the condemned's election; lethal injection if the condemned fails to choose a method). The 1983 law did not expressly indicate retroactive operation. 1983 Utah Laws 112 § 1.

## VERMONT (VT)

1840–1911:	hanging <sup>158</sup>
1912–1964:	electrocution <sup>159</sup>
1965–present:	no death penalty (with exceptions) <sup>160</sup>

## VIRGINIA (VA)

1887–1907:	hanging <sup>161</sup>
1908–1993:	electrocution <sup>162</sup>
1994–present:	lethal injection, unless the condemned inmate chooses electrocution <sup>163</sup>

## WASHINGTON (WA)

1891–1912:	hanging <sup>164</sup>
1913–1918:	no death penalty <sup>165</sup>
1919–1980:	hanging <sup>166</sup>
1981–1996:	hanging, unless the condemned inmate chooses lethal injection <sup>167</sup>
1996–present:	lethal injection, unless the condemned inmate chooses

<sup>158</sup> VT. REV. STAT. 102 § 6 (1840) (hanging).

<sup>159</sup> 1912 Vt. Acts & Resolves 97 § 6 (electrocution). The 1912 law did not apply to offenses committed before its effective date. *Id.* § 8.

<sup>160</sup> 1965 Vt. Acts & Resolves 30 § 1 (death penalty abolished, except for the murder of police and prison employees or a second unrelated murder). Currently, there is still a partial death penalty statute in Vermont. However, the statute applies only to the crime of treason, *see* VT. STAT. ANN. tit. 13, § 3401 (1996), or, relatedly, crimes committed by three or more people, acting in concert, in a time of war or of threatened war, *see id.* § 3484. Electrocution is used when the death penalty is imposed. *Id.* § 7106.

<sup>161</sup> VA. CODE 198 § 4062 (1887) (hanging).

<sup>162</sup> 1908 Va. Acts ch. 398 § 1 (electrocution). The 1908 law indicated no retroactive operation. *Id.* § 8.

<sup>163</sup> VA. CODE ANN. § 53.1-234 (Michie 1994) (electrocution or lethal injection at the condemned's election; lethal injection if the condemned fails to choose a method). The 1994 law did not expressly indicate retroactive operation.

<sup>164</sup> WASH. GEN. STAT. ANN. XIII § 1352 (1891) (hanging).

<sup>165</sup> 1913 Wash. Laws 167 § 1 (death penalty abolished).

<sup>166</sup> 1919 Wash. Laws 112 § 1 (death penalty reinstated (hanging) subject to imposition by special verdict of the jury).

<sup>167</sup> 1981 Wash. Laws 138 § 1 (hanging, or lethal injection at the condemned's election; hanging if the condemned fails to choose a method). The 1981 statute did not expressly indicate retroactive operation.

hanging<sup>168</sup>*WEST VIRGINIA (WV)*

1899–1948:

hanging<sup>169</sup>

1949–1964:

electrocution<sup>170</sup>

1965–present:

no death penalty<sup>171</sup>*WISCONSIN (WI)*

1839–1852:

hanging<sup>172</sup>

1853–present:

no death penalty<sup>173</sup>*WYOMING (WY)*

1887–1934:

hanging<sup>174</sup>

1935–1983:

lethal gas<sup>175</sup>

1984–present:

lethal injection<sup>176</sup>

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<sup>168</sup> WASH. REV. CODE ANN. § 10.95.180(1) (West 1981) (amended 1996) (lethal injection or hanging at the condemned's election; lethal injection if the condemned fails to choose a method).

<sup>169</sup> 1899 W. Va. Acts pp. 12–13, ch. 2 (hanging).

<sup>170</sup> 1949 W. Va. Acts pp. 163–67, ch. 37 (electrocution). The 1949 law did not apply to “capital punishment crimes committed prior to the effective date of this act.” *Id.* at 163.

<sup>171</sup> 1965 W. Va. Acts 40, art. 11 § 2 (death penalty abolished). The 1965 law expressly indicated retroactive operation. *Id.*

<sup>172</sup> 1839 Wis. Terr. Laws p. 379 § 9 (“An Act to provide for the punishment of offences against the lives and persons of individuals”) (hanging).

<sup>173</sup> 1853 Wis. Laws 103 § 1 (death penalty abolished).

<sup>174</sup> WYO. REV. STAT. 12 § 3334 (1887) (hanging).

<sup>175</sup> 1935 Wyo. Sess. Laws 22 § 1 (lethal gas). The 1935 law did not apply to offenses committed before its effective date. *Id.* § 2.

<sup>176</sup> 1984 Wyo. Sess. Laws 54 § 1 (lethal injection); WYO. STAT. ANN. § 7-13-904(a) (Michie 1984) (lethal injection). The 1984 Act did not expressly indicate retroactive operation.

APPENDIX 3: EDITED LETHAL INJECTION PROTOCOLS FOR  
36 STATES IN 2001

INTRODUCTION

In this appendix, the edited lethal injection protocols for thirty-six states typically are derived verbatim from the available written protocols that states provide (“complete public protocols”). In addition, information on some states is derived from “partially private protocols,” because it was necessary to contact these states by phone or e-mail for information that was not available in the state’s protocol. Lastly, there is no information or a very limited amount of information available from the handful of states with “private protocols;” these states did not have a complete public protocol and failed to provide either a portion of the requested information or any requested information about their lethal injection procedures. The sources for each state’s protocol—public, partially private, or private—can be found in Appendix 1, Tables 19 and 20.\*

ARIZONA

EXECUTION INFORMATION

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Lethal Injection:

Inmates executed by lethal injection are brought into the injection room a few minutes prior to the appointed time of execution. He/she is then strapped to a Gurney-type bed and two (2) sets of intravenous tubes are inserted - one (1) in each arm. The three (3) drugs utilized include: Sodium Pentothal (a sedative intended to put the inmate to sleep), Pavulon (stops breathing and paralyzes the muscular system) and Potassium Chloride (causes the heart to stop). Death by lethal injection is not painful and the inmate goes to sleep prior to the fatal effects of the Pavulon and Potassium Chloride.

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\* All lethal injection protocols and communications are on file with the author at Fordham University School of Law. The edited contents of this appendix are derived verbatim from the protocols; therefore no grammatical or punctuation changes were made. For the sources of each state’s protocol and a breakdown of states with the three different types of protocols (public, partially private, and private), see *supra* app. 1, tbls. 19 & 20.

## ARKANSAS

### Procedures for Execution

The lethal injection consists of Sodium Pentothal (lethal dosage), Pancuronium Bromide (muscle relaxant) and Potassium Chloride (stops the heart), administered into saline solution utilizing IV's.

The inmate will be secured in the chair or a gurney depending on method.

## CALIFORNIA

### Last 24 Hours

About 30 minutes before the scheduled execution, the inmate is given a new pair of denim trousers and blue work shirt to wear. He is escorted into the execution chamber a few minutes before the appointed time and is strapped onto a table. [The chairs previously used for lethal gas executions have been removed.]

The inmate is connected to a cardiac monitor which is connected to a printer outside the execution chamber. An IV is started in two usable veins and a flow of normal saline solution is administered at a slow rate. [One line is held in reserve in case of a blockage or malfunction in the other.] The door is closed. The warden issues the execution order.

### The Execution

In advance of the execution, syringes containing the following are prepared:

- 5.0 grams of sodium pentothal in 20-25 cc of diluent
- 50 cc of pancuronium bromide
- 50 cc of potassium chloride

Each chemical is lethal in the amounts administered.

At the warden's signal, sodium pentothal is administered, then the line is flushed with sterile normal saline solution. This is followed by pancuronium bromide, a saline flush, and finally, potassium chloride. As required by the California Penal Code, a physician is present to declare when death occurs.

## COLORADO

### Execution Day

Thirty minutes prior to the scheduled execution time, the strap down team will remove the inmate from the holding cell and strap the inmate to the execution bed.

Twenty minutes prior to the scheduled execution time or when instructed by the warden, the IV team will insert two intravenous catheters into appropriate veins in the inmate's arms, one to deliver the lethal agents and the other to serve as a back-up in the event of injection failure into the primary catheter.

The warden will read the Execution Warrant to the inmate.

Approximately 8 minutes prior to the scheduled execution time, a select group of witnesses, usually comprised of the victim's family, the prosecuting and defense attorneys, an official from the investigating law enforcement agency, and approved media representatives, are escorted to the witness viewing room.

The warden will disconnect the telephone in the execution room after receiving the order from the Governor and Executive Director to proceed with the execution. The witness viewing window curtain will then be opened.

The warden will verify that the witness room curtain is open, enter the enclosed chemical room, and instruct the injection team, comprised of two anonymous DOC staff, to proceed with the injections.

The injection team shall administer the chemical agents according to the Department's lethal injection procedures, which provides the delivery of a lethal solution of sodium pentothol [sic], pancuronium bromide, and potassium chloride. A saline solution is injected following each chemical injection. Anonymity is achieved in the execution process by requiring the injection team members to alternate in rendering each injection and by marking the chemical bottles by number only.

Two minutes after the chemical agents are injected, the warden will ask the coroner to enter the room, examine the inmate, and pronounce death and the time.



**CONNECTICUT****Administration of Capital Punishment**

....

**B. Assembly of Supplies and Equipment.**

1. The Commissioner shall prepare a written order to purchase the lethal substances to be used in the execution of the inmate.
2. The warden shall assemble the supplies and prepare all equipment necessary to perform the execution.

**C. Selection of the Execution Personnel.**

1. The screening, selection and training of the correctional staff participating in the execution shall be the responsibility of the warden. The identity of the participating staff shall remain confidential and shall only be revealed on a "need-to-know basis.
2. The Deputy Commissioner of Program or designee shall ensure, to the satisfaction of a Connecticut licensed and practicing physician, that a person or persons is appropriately trained and qualified to act as executioner. Such person(s) shall prepare and secure the necessary materials provided by the Commissioner or designee.
3. The Deputy Commissioner of Program or designee shall ensure, to the satisfaction of a Connecticut licensed and practicing physician, that a person or persons is appropriately trained and qualified to insert an intravenous catheter or catheters into an appropriate vein or veins of the inmate. It shall be the Deputy Commissioner of Program's responsibility to ensure that a physician qualified to certify death is present at the time of execution.

....

**CONNECTICUT, cont.****E. Execution Team Preparations.**

1. The warden shall screen, select and train no less than six (6) primary correctional personnel and no less than six (6) alternate correctional personnel from a previously identified pool to assist in conducting the execution procedure. The selected correctional personnel shall be referred to as the Execution Team.

2. The warden shall conduct drills with the Execution Team simulating movement and restraint of the inmate. The warden shall only distribute the Execution Post-Orders, as a security document, to those correctional personnel on a "need-to-know" basis. The warden shall ensure that all members are fully aware of their roles during the procedure, and that the team is prepared to deal with any disruptive behavior.

....

**30 Minutes Prior to the Execution.**

A. Inmate visits shall be concluded.

B. The supervisor-in-charge shall direct the Execution Team to escort the inmate from the Death Cell to the Execution Enclosure and secure the inmate to the execution surface.

C. A person or persons, properly trained to the satisfaction of a Connecticut licensed and practicing physician, shall connect the heart monitor to the inmate.

D. A person or persons, properly trained to the satisfaction of a Connecticut licensed and practicing physician, shall establish intravenous access. A primary intravenous infusion line shall be inserted in the left arm with a line inserted in the right arm as an alternative.

E. The warden shall accompany the executioner(s) to the Execution Ante Room ensuring that the identity of the executioner(s) remains confidential.

....

**CONNECTICUT, cont.****11. Execution Procedure.** Execution procedures shall be as follows:

....

D. At 2:01 a.m. or as soon thereafter as possible, the warden shall direct the executioner(s) to begin injection of the lethal substance. Administration of the lethal substance shall entail the administration of three (3) substances in a three (3) step process.

**1. Step One.** The first step shall require the administration of 2,500 milligrams (mg) of Thiopental Sodium (a lethal dose), in 50 ml of clear (without visible precipitate) Sodium Chloride 0.9% solution of an approximate concentration of 50 mg/ml or 5%.

**2. Step Two.** The second step shall require the administration of 100 milligrams (mg) of Pancuronium Bromide (contents of ten (10) 5 ml vials of 2 mg/ml concentration) in 50 ml.

**3. Step Three.** The third and final step shall require the administration of 120 milliequivalent (mEq) of Potassium Chloride (contents of two (2) 30 ml vials of 2 mEq/ml concentration) in 60 ml.

E. The executioner(s) shall inform the warden when infusion of the lethal substance has been completed. The warden shall direct a designated staff member to close the window coverings and summon the medical examiner/physician to certify the inmate's death.

### DELAWARE

*According to Gail Stallings Minor, Community Relations Department, Delaware Department of Corrections, Delaware uses the following chemicals in lethal injection executions:*

1. Sodium Thiopental - causes the individual to go to sleep. The chemical is given in a lethal amount.
2. Pancuronium Bromide - stops muscle activity and breathing.
3. Potassium Chloride - stops the heart and produces the cause of death which is cardiac arrest.

### FLORIDA

*Florida's protocol, which follows, is quoted verbatim from Sims v. State, 754 So. 2d 657, n.17 (Fla. 2000). The protocol makes reference to a specific execution.*

The written protocol provides general procedures for the prisoner's last meal, the persons authorized in the execution area, the placement of media witnesses, the physical examination of the prisoner prior to the execution, the preparation of the execution chamber, the persons authorized in the execution chamber, the witnesses to the execution, the prisoner's last statement and the administering of the lethal injection.

The witnesses included: James Crosby, warden of the Florida State Prison; William Mathews, a physician's assistant with the DOC; and Michael Moore, Secretary of the DOC. Collectively, they provided the execution-day procedures. On the morning of the execution, the inmate will receive a physical examination, be given a Valium if necessary to calm anxiety, and will receive his or her last meal. Next, the inmate will be taken to the execution room where he will be strapped to a gurney and placed on a heart monitor. The inmate will then be injected with two IV's containing saline solution. He will then be escorted into the execution chamber where the witnesses will be able to view the execution. While the inmate is being prepared, a pharmacist will prepare the lethal substances. In all, a total of eight syringes will be used, each of which will be injected in a consecutive order into the IV tube attached to the inmate. The first two syringes will contain "no less than" two grams of sodium pentothal, an ultra-short-acting barbiturate which renders the inmate unconscious. The third syringe will contain a saline solution to act as a flushing agent.

**FLORIDA, cont.**

The fourth and fifth syringes will contain no less than fifty milligrams of pancuronium bromide, which paralyzes the muscles. The sixth syringe will contain saline, again as a flushing agent. Finally, the seventh and eighth syringes will contain no less than one-hundred-fifty milliequivalents of potassium chloride, which stops the heart from beating. Each syringe will be numbered to ensure that they are injected into the IV tube in the proper order. A physician will stand behind the executioner while the chemicals are being injected. The physician's assistance will also observe the execution and will certify the inmate's death upon completion of the execution.

Moore testified that these procedures were created with the purpose of "accomplishing our mission with humane dignity [while] carrying out the court's sentence." On the issue of dosage, a defense expert admitted that only one milligram per kilogram of body weight is necessary to induce unconsciousness, and that a barbiturate coma is induced at five milligrams per kilogram of body weight. Thus, two grams of sodium pentothal (i.e., 2000 milligrams) is a lethal dose and certain to cause rapid loss of consciousness (i.e., within 30 seconds of injection). The expert further stated that muscle paralysis occurs at .1 milligram of pancuronium bromide per kilogram of body weight. Thus, fifty milligrams of pancuronium bromide far exceeds the amount necessary to achieve complete muscle paralysis. Finally, the expert admitted that 150 to 250 milliequivalents of potassium chloride would cause the heart to stop if injected quickly into the inmate and that an IV push would qualify as "quickly."

**GEORGIA****IV TEAM - DETAILED INSTRUCTIONS****SET UP PROCEDURE:**

1. The warden or designee will have an intravenous infusion device placed in each arm of the condemned and a saline solution available for an infusion medium. Those persons engaged in this activity will be referred to as the IV Team.
2. An IV administration set (Travenol 92CO005 or equivalent) shall be inserted into the outlet of the bag of Normal Saline IV solution. Two (2) IV bags will be set up in this manner.

**GEORGIA, cont.**

3. The administration set tubing for both set-ups will be connected to the receiving port of the three-way control devices; one for the left arm, the other for the right arm.
4. IV extension tubing (Travenol #2CO066 or equivalent) will be connected to the discharge ports on the right/left three-way control device and shall thereafter be connected to the applicable right/left angiocath/cathlon. Extension tubing will be of sufficient length to accommodate distance from the control device to the IV insertion site.
5. The tubing shall be cleared of air and made ready for use.
6. Angiocath/cathlon devices shall be initiated through standard procedure for such devices. Once infusion of IV solution has been assured, the IV devices shall be secured to the right/left arm as necessary.
7. At this point, the administration sets shall be running at a slow rate of flow (KVO), and ready for the insertion of syringes containing the lethal agents. The warden or his designee, shall maintain observation of both set-ups to ensure that the rate of flow is uninterrupted. **NO FURTHER ACTION** shall be taken until the prearranged signal to start the injection of lethal agents is given by the warden or designee.

**INJECTION TEAM - DETAILED INSTRUCTIONS****INJECTION PROCEDURE:**

1. The three-way control device facilitates the movement of infusion fluid from the saline bag and allows for the interdiction of lethal agents. A valve serves to direct which fluid source is entering the IV set-up.
2. When the signal to commence is given by the warden:
  - 2.1 Syringe #1 (Sodium Pentothal) shall be inserted into the designated receiving port of the three-way control device.
  - 2.2 The flow of saline solution will be interrupted by moving the three-way valve assembly to the saline solution receiving port.

**GEORGIA, cont.**

- 2.3 The contents of Syringe #1 shall commence with a steady even flow of the lethal agent. Only a minimum of force will be applied to the syringe plunger.
- 2.4 When the contents of Syringe #1 has been injected, the three-way valve assembly will be moved so as to effect the return of saline infusion.
- 2.5 Syringe #1 will be replaced by Syringe #2 (Pavulon) and the procedure described in 2.1 through 2.4 will be repeated.
- 2.6 Syringe #2 will be replaced by Syringe #3 (Potassium Chloride) and the procedure described in 2.1 through 2.4 will be repeated.
- 2.7 This procedure shall continue until all three syringes have been used or until the contract physician advises the warden or designee to cease due to the absence of life signs.

**11.0 DESIGNATION OF WITNESSES**

- 11.2.4 One (1) contract physician - (as designated by Health Services) to provide medical assistance during the execution process.
- 11.2.5 Intravenous (IV) Team, to consist of two (2) Emergency Medical Technicians to insert intravenous ports.
- 11.2.6 Six (6) Correctional Officers to serve as a special escort team who will apply restraints to the condemned during the execution process.
- 11.2.7 Three (3) volunteers, (staff members), to inject solutions into the intravenous ports during the execution process.
- 11.2.8 One (1) Chaplain to administer to the spiritual needs of the condemned and to provide a prayer on the condemned's behalf upon request.
- 11.2.9 Security personnel as appropriate.

....

**GEORGIA, cont.****III. DAY OF EXECUTION****16.0 DAY OF EXECUTION****16.3 One Hour Prior to Execution**

One hour prior to the time of execution, designated members (2) of the special escort team will commence the following:

- 16.3.1 The IV Team will perform a check of all necessary equipment and instruments. A self-test or diagnostic check will be conducted on the heart monitor.
- 16.3.2 Special Escort Team members will ensure all straps are in place and functional on the execution gurney.
- 16.3.3 Communications Check: The same procedures will be performed as at three (3) hours prior to the execution as specified in paragraph 16.1.2. The telephone lines between the Commissioner's Office (CP 1), the warden's Office (CP2) and the Execution Chamber (CP3) are to remain open thirty (30) minutes prior to execution time.
- 16.3.4 Execution Chamber and Execution Witness Room will be inspected as directed by warden.
- 16.3.5 Assistants and those required by law to attend executions are to be issued additional instructions and escorted to the Execution Chamber and Execution Witness Room as appropriate. The condemned's witnesses, media representatives and the State's witnesses shall be processed, instructed and transported separately as referenced in this section.  
....
- 16.3.8 The condemned is escorted to the lethal injection gurney by member(s) of the Special Escort Team, ten (10) minutes prior to the time of the execution.
- 16.3.9 Members of the Special Escort Team are stationed at the gurney and will place the body strap in place immediately.



**GEORGIA, cont.**

- 16.3.10 The Special Escort Team will attach restraints to arms, legs and body of the condemned.
- 16.3.11 The IV team will place intravenous ports into the veins of both arms of the condemned. The heart monitor reads will be applied to the condemned. If the veins are such that an IV cannot be started, a contract physician will perform the cut down procedure to establish an intravenous port.
- 16.3.12 Witness Room curtains will be opened by a designated staff member and the microphone turned on. The warden will introduce himself to witnesses and issue final instructions regarding the execution.
- 16.3.13 The warden or designee will ask the condemned if he has anything to add to the final statement. Such statements will be limited to two (2) minutes. (Statement shall be recorded by the warden or designee.) A prayer is offered if condemned requests, which is limited to two (2) minutes.
- 16.3.14 The condemned is read essential Order of the Court; the microphone is turned off.
- 16.3.15 All unnecessary staff shall clear the execution chamber.
- 16.3.16 Execution officials take their place behind the partition.
- 16.3.17 Final communication is made to Central Office Command Post. (CP #1)
- 16.3.18 The execution is carried out.
- 16.3.18.1 Three (3) designated staff members inject lethal solution into intravenous tubing leading to ports in the condemned's arm.
- 16.3.18.2 After ten (10) minutes have elapsed, or the heart monitor shows a "flat line" display, the condemned will be checked by two (2) physicians to determine if death has supervened.

**GEORGIA, cont.**

16.3.18 If condemned shows residual life signs, repeat 16.3.18.1 and 16.3.18.2.

16.3.19 Microphone is turned on- the fact of death is then announced to the witnesses by the warden or designee- the microphone is turned off. The curtains to the Execution Chamber are then closed.

**IDAHO**

ADMINISTRATIVE POLICY NUMBER: 135

- B. IMSI personnel will inform, in writing, potential official execution witnesses within the criminal justice system.
- C. IMSI personnel will carry out the execution warrant.
  - 1. By statute, the warden of IMSI shall be the official executioner.
  - 2. Execution of the sentence of death shall be by lethal injection.
    - a. The lethal injection series shall consist of:
      - (1) sodium pentothal, as a normal anesthetic;
      - (2) pavulon, a curare preparation, to stop muscle spasming as the anesthetic takes effect; and
      - (3) potassium chloride, the lethal agent to stop the heart.
    - b. injection shall be through intravenous catheter.

### ILLINOIS

6. At a predetermined time prior to the execution, the inmate will be removed from his cell and escorted to the execution chamber. A trained person will insert an intravenous catheter which will be utilized to deliver an ultrashort-acting barbiturate in combination with a chemical paralytic agent and potassium chloride or other equally effective substances sufficient to cause death. The identity of the executioner shall not be disclosed. The execution shall occur on the date set for execution by the Court at a time determined by the Department of Corrections. Witnesses will be permitted to observe the execution in accordance with 725 ILCS 5/119-5.

#### Execution Drugs

Sodium Pentothal - puts the person to sleep

Pancuronium Bromide - stops the breathing

Potassium Chloride - stops the Heart

### INDIANA

*The protocol of information, printed below, was provided and confirmed by Pam Pattison, Public Information Officer, Indiana Department of Correction, in response to a series of questions.*

As per your request, the Indiana Department of Correction is providing you with the following information:

- \* Chemicals used in lethal injection in order of administration: sodium pentothal, saline, pancuronium bromide, saline, and potassium chloride.
- \* Procedure: The time frame between escorting the offender from the holding cell to the pronouncement of death is approximately one (1) hour, twenty (20 minutes). The time frame from the time the IV is inserted to the time of pronouncement of death is approximately twenty-five (25) minutes.
- \* Chronology of a scheduled execution.
- \* Statute regarding execution in the state of Indiana

**INDIANA, cont.****Chronology leading up to an execution;**

3. Shortly after midnight, the inmate is escorted from the holding cell, and placed on a gurney, secured to the gurney and moved to execution room.
4. Curtains are only closed when the offender is brought to the holding cell.
5. After all preparatory work has been completed, the witnesses are moved into area, seated, and the blinds are opened. The process begins and ends. The blinds are closed and the physician then makes pronouncement of death.

a) preparatory work: the catheters are put in place and the tubing has been run. The catheters are placed in an extremity.

Witnesses will see offender laying on gurney, with a sheet covered to the offender's shoulders. There are two staff members in the room during the process.

How much time elapses between an offender being placed on gurney and the pronouncement of death? 20 to 45 minutes.

Witness list: who/how many? The offender is allowed up to ten individuals. It is the policy of the Department not to release names.

**KANSAS**

*Bill Miskell, Public Information Officer, the Kansas Department of Corrections, provided the following information in response to a request for a lethal injection protocol in Kansas:*

We do not have specific protocols yet in policy. We do not have anybody who is that close to an execution and we just don't have the policies done. If you need further assistance call me at 785-296-5873.

**KENTUCKY**

*According to the Kentucky General Counsel's Office, Kentucky does not have a lethal injection protocol apart from the Kentucky death penalty statute, cited below.*

**431.220 Execution of death sentence.**

(1) (a) Except as provided in paragraph (b) of this subsection, every death sentence shall be executed by continuous intravenous injection of a substance or combination of substances sufficient to cause death. The lethal injection shall continue until the prisoner is dead.

(b) Prisoners who receive a death sentence prior to March 31, 1998, shall choose the method of execution described in paragraph (a) of this subsection or the method of execution known as electrocution, which shall consist of passing through the prisoner's body a current of electricity of sufficient intensity to cause death as quickly as possible. The application of the current shall continue until the prisoner is dead. If the prisoner refuses to make a choice at least twenty (20) days before the scheduled execution, the method shall be by lethal injection.

(2) All executions of the death penalty by electrocution or lethal injection shall take place within the confines of the state penal institution designated by the Department of Corrections, and in an enclosure that will exclude public view thereof.

(3) No physician shall be involved in the conduct of an execution except to certify cause of death provided that the condemned is declared dead by another person.

**Effective:** March 31, 1998

**History:** Amended 1998 Ky. Acts ch. 220, sec. 1, effective March 31, 1998. — Amended 1992 Ky. Acts ch. 211, sec. 84, effective July 14, 1992. — Amended 1986 Ky. Acts ch. 331, sec. 51, effective July 15, 1986. — Amended 1974 Ky. Acts ch. 74, Art. V, sec. 2. — Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1137-1.

**LOUISIANA**

*According to Cathy Fontenot, Director of Classification, Louisiana State Penitentiary, Louisiana uses the following chemicals in a lethal injection execution.*

1. Thiopental Sodium - causes the individual to go to sleep. It is given in a lethal amount.
2. Pancuronium Bromide - stops muscle activity and breathing.
3. Potassium Chloride - stops the heart and produces the cause of death, which is cardiac arrest.

*The following procedures are derived from the Louisiana Department Regulation, No. C-03-001, December 20, 1999, pages 2-4.*

**11. PROCEDURES.**

- A. The witnesses will enter the witness room where they will receive a copy of the inmate's written last statement, if a written statement is issued.
- B. The inmate will then be taken to the lethal injection room by the escorting officers. Once in the room, the inmate will be afforded the opportunity to make a last verbal statement if he so desires. He will then be assisted onto the lethal injection table and properly secured to the table by the officers. Once the officers exit the room, the warden will close the curtain to the witness room and signal the I-V- technician to enter. The IV technician will appropriately prepare the inmate for execution and exit the room. The warden will reopen the witness room curtain.
- C. The person designated by the warden and at the warden's direction, will then administer, by intravenous injection, a substance or substances in a lethal quantity into the body of the inmate until he is deceased.
- D. At the conclusion of the execution, the coroner or his deputy shall pronounce the inmate dead. The deceased shall then be immediately taken to an awaiting ambulance for transportation to a place designated by the next of kin or in accordance with other arrangements made prior to the execution.

### MARYLAND

*According to Priscilla Doggett, Public Information Officer in the Maryland Department of Corrections, the Department does not like to divulge the chemicals used in a lethal injection execution. However, when told that the most common mixture in other states includes sodium thiopental, pancuronium bromide and potassium chloride—she confirmed that those were the same chemicals used in Maryland as well.*

*The following information is derived from <http://ns1.dpscs.state.md.us/doc/cap/history.htm>.*

The condemned person is strapped onto a padded support. A technician inserts a needle into a vein on the arm to begin a flow of saline solution. At a hidden signal from the warden, a lethal combination of drugs is injected into the IV line, which first puts the condemned person to sleep, then paralyzes [sic] the breathing muscles and stops the heart. The procedure lasts about seven minutes. The worst physical pain being the prick of a needle.

### MISSISSIPPI

*Mississippi has no protocol. Instead, Jennifer Griffin, Communications Director, Mississippi Department of Corrections, asked that she be sent specific questions. The following is her e-mailed response:*

The chemicals used in the lethal injection executions with the Mississippi Department of Corrections are as follows:

- Sodium Pentothal, 2.0 Gm., 1 Syringe
- Normal Saline, 10-15cc., 2 Syringes
- Pavulon, 50 mgm per 50 cc., 3 Syringes
- Potassium Chloride, 50 milequiv. per 50 cc., 3 Syringes

....

**MISSISSIPPI, cont.****Execution Process**

This is currently being revised. In the past executions were conducted at midnight. The new law states by 6:00 p.m. What will remain in effect is that the Commissioner will declare an institutional emergency and place the institution on lockdown 24 hours before the scheduled execution. The Lethal Injection Team will inventory all equipment. There will be staff briefings of the Emergency Response Team throughout the 24 hours. Media will arrive 12 to 6 hours prior to the scheduled execution. Offender's family members and victim's family members will arrive at predetermined times. The families will be housed in separate buildings and assisted by MDOC staff. Upon request of the condemned offender, clergy is allowed access to the holding cell. The condemned offender is given his meal.

With new procedures being worked on presently, the times of the following actions are yet to be determined: the condemned offender is escorted from the holding cell and strapped to the gurney. Catheter [sic] are placed in each arm and a saline solution is started. Witnesses are escorted into the observation rooms. The Superintendent asks the condemned offender if he wishes to make a final statement. The Executioner shall advise the Superintendent that the lethal injection system is prepared and ready for use. The Superintendent will contact the Deputy Commissioner to verify that no stay of execution has been granted. The Superintendent directs the Executioner to proceed. The Executioner will then administer the lethal injection. The Superintendent or his designee will advise the Deputy Commissioner or his designee by phone that the execution has begun. Constant voice to voice communication shall be established and maintained between the Superintendent, Commissioner, Governor and Attorney General's Office throughout the execution.

When the offender no longer exhibits signs of life, the Superintendent shall request the physical [sic] and/or the coroner be brought into the execution chamber and pronounce the offender's death. The Superintendent will then order the witnesses escorted from the observation room to the outside of the unit. The IV lines are disconnected, the body removed from the execution room, washed and re-clothed, if necessary, and placed in the hearse at the rear of the unit. The body is immediately released to family. If no family claims the body, MDOC is responsible for burial.



**MISSOURI**

*There is no written lethal injection protocol that details how lethal injections will take place in Missouri. John Fougere, Public Information Office, Missouri Department of Corrections, furnished information on the chemicals that Missouri uses: 1. Sodium Pentothal, 2. Pancuronium Bromide, and 3. Potassium Chloride.*

**MONTANA*****Policy No. DOC 3.6.1.*****Method of Execution**

The punishment of death must be inflicted by administration of a continuous intravenous injection of a lethal quantity of an ultra fast acting barbiturate in combination with a chemical paralytic agent, until a coroner pronounces that the offender is dead according to accepted standards of medical practice.

**Executioner**

1. The execution must be performed by a person selected by the warden and trained to administer a lethal injection.
2. The person administering the injection need not be a physician, registered nurse or licensed practical nurse.
3. The warden may also select an alternate executioner(s).
4. The warden or the warden's designee shall supervise the execution.
5. The identity of the executioner and alternate executioner(s) shall remain confidential.

**MONTANA, cont.**

## Equipment and Material Checklist: Execution by Injection

QUAN	ITEM
8	Sodium Pentothal, 500 mgm., w/diluent
15	Pavulon, 10 mgm. ampules
15	Potassium Chloride, 10 mEq. ampules
2	Valium injection, 10 mgm
10	syringe, 50 cc Lur Lock
4	syringe, 10 cc Lur Lock
4	syringe, 5 cc Lur Lock
40	needle, 18 Ga., 1 1/2
16	needle, 25 Ga., 1 1/4
18	angiocath, 14 Ga., 2"
18	angiocath, 19 Ga., 211
18	angiocath, 16 Ga., 211
8	normal saline, IV bag, 1000C
4	Lidocaine HCL, 2%.w/Epinephrine
8	solution injection set, Travenol Code #2CO005S
12	extension set, 35: long; Travenol Code #2CO066
2	stethoscopes
4	boxes of alcohol preps
16	rolls of Kling
4	adhesive tape, 1"
4	adhesive tape, 2"
4	scissors, bandage, Pr.
4	tourniquet
	cut-down set, sterile
4	#15 scalpel with handle, disposable
4	#11 scalpel with handle, disposable
4	hemostat, sterile
3	gloves, surgical size 7 1/2, sterile
3	gloves, surgical size 8, sterile
6	surgical mask
1	surgical pack
1	flashlight, w/batteries
3	batteries, flashlight, (spares)
4	forceps tissue 4 3/4
8	ace wraps 3"
2	needle holders
2	bottles xylocaine
2	10 packs sterile gauze

### NEVADA

*A memo from Glen Wharton, Chief of Classification and Planning of the State of Nevada Department of Prisons Administrative Offices, stated that neither he nor his office can disclose information regarding the protocol for lethal injection. The validity of Mr. Wharton's memo was confirmed by the Carson City Office of the State of Nevada Department of Prisons. The only information that was available was on the Office's website, portions of which are printed below.*

*The following information is derived from <http://prisons.state.nv.us/prison%20organization.htm>:*

At the present time the lawful method of execution is by means of lethal injection. The site of executions is still the chamber in the Nevada State Prison. Inmates on death row are now housed at the Ely State Prison, in Ely, Nevada. A total of 50 persons have been executed in the Department. Eight persons have been executed since the reinstatement of the death penalty. At the time of this writing, there are 89 persons on death row; one being a woman.

The prison became the designated site of executions in the early years of this century. Prior to that, executions were the responsibility of local sheriffs. The first execution took place with the hanging of John Hancock on 9-9-05. The Prison was the site of the first execution in the United States which used lethal gas. This occurred on 2-8-24, when Gee Jon was executed with cyanide gas that was sprayed into a makeshift gas chamber. A gas chamber was constructed in 1929, and a second chamber was placed in the extreme Northeast corner of the old portion of the institution, its current location.

### NEW HAMPSHIRE

*New Hampshire does not have a written lethal injection protocol. The following information is based on a conversation with Jeff Lyons, Public Information Officer, New Hampshire Department of Corrections.*

We don't have a procedure. We haven't had the need for one. 1939 was our last execution. 1961 was the last time that we had someone on death row. There were two people; one was released and the other was given a life sentence. We have been drafting a policy. We probably will end up doing what other states are doing.

*Mr. Lyons did not want to provide a copy of the draft policy materials.*

**NEW JERSEY****DEATH BY LETHAL INJECTION**Introduction

The passage of Legislative Bill No. 1851 directs the Commissioner of the Department of Corrections to execute capital sentenced individuals confined within the Department by lethal injection. To ensure proper dispatch of the intent of the legislature and to ensure the integrity of the Department, death by lethal injection must be executed in an atmosphere befitting the solemnity of such an act. In light of the above, the following procedural aspect of the death penalty legislation is effected:

**A. Medical Preparation Team:**

The following medical staff disciplines shall be represented for each execution as noted below:

1. Two Physicians: One physician shall be the Department's Medical Director. One physician shall be assigned from an institution on a rotating basis. In the absence of the Medical Director, an additional physician shall be assigned from an institution. The assignment shall be made, in writing, not later than 5 working days prior to the scheduled execution by the Health Services Coordinator through the institution Superintendent.  
In the event that no institution physician is willing to serve on the Medical Preparation Team, the Health Services Coordinator shall hire a licensed physician on a consultant basis. The proper identification materials shall be provided to the Superintendent, State Prison, Trenton, not later than 48 hours prior to the scheduled execution.
2. One Registered Nurse: The nurse assigned shall be assigned by the Health Services Coordinator and shall be from the same institution as the assigned physician; and
3. One Certified IV Therapist: The therapist shall be hired on a consultant basis by the Health Services Coordinator. The proper identification materials shall be provided to the Superintendent, State Prison, Trenton not later than 48 hours prior to the scheduled execution.

Responsibilities of the Medical Preparation Team shall be discussed later in the text.

**NEW JERSEY, cont.****B. Medical Monitoring Apparatus and Execution Equipment:**

The following items shall be utilized during the execution process:

1. One folding wheel stretcher with three body restraints and locking wheels;
2. One electro-cardiograph monitor with monitoring capabilities for blood pressure, pulse and heart rate;
3. One emergency cart with defibrillator, oxygen and emergency medications;
4. One intravenous pole, one bag saline IV solution, a standard IV line, two Y connectors with two syringe openings;
5. One body bag constructed of heavy duty plastic or vinyl, with closures.

**C. Preparation of the Condemned Inmate:****2. Administration of the Pre-medication:**

- (b) When properly attired, the condemned shall be escorted from his/her cell to the all-purpose room within the Capital Sentenced Unit. At this time, the condemned will be placed on the execution stretcher. Restraints shall be secured:

- across both wrists;
- across both arms and chest;
- across the thigh of both legs; and
- across both ankles.

The stretcher shall contain a rubber padding covered with a white sheet. The condemned shall be covered from the waist down with a white sheet and provided with a pillow for the head.

- (c) Approximately forty-five minutes in advance of the scheduled execution, the institution team physician shall administer the appropriate dosage of Morphine, 15 to 20 mgm or, in the case of narcotic abusers, Valium 2 to 5 mgm, the barbiturate which shall serve as a sedative. This medication shall be administered via intramuscular injection at the discretion of the team physician in the buttocks or deltoid muscle of either arm.

**NEW JERSEY, cont.**

3.     **Insertion of the Intravenous Line:**  
Approximately thirty minutes prior to the scheduled execution, the IV therapist shall insert an intravenous line via a heparin lock with a male adaptor into the condemned's left antecubital fossa vein. In the event a useful vein cannot be located in the left arm, the therapist may attempt insertions to other veins in the order noted below:
    - Right antecubital fossa vein of the arm;
    - Left then Right dorsum of the hand;
    - Left then Right dorsal venous network of the ankle.In the event that a useful vein cannot be located in any of the above site locations, the Medical Director shall execute a cut-down procedure to insert the intravenous line.
  4.     **Cardiac Monitor Leads and Transport to the Execution Room:**  
When the intravenous line has been successfully inserted, the team nurse shall affix the cardiac monitor leads to the patient so as to ensure proper monitoring of the heart rate, blood pressure and pulse. Upon completion of the fixation of cardiac leads, the condemned shall be transported via stretcher to the execution chamber. In addition to the custody cadre, the medical team shall accompany the transport to ensure the intravenous line is not dislodged and that the condemned's physical condition remains stable.
- D.     **Execution Suite and Medications:**
1.     **Suite Equipment:**  
The execution chamber shall be equipped with the following:
    - (a)     A cardiac monitor and appropriate lead wires. The monitor shall be positioned as close as possible to the witness window, slanted to the exterior room wall so that the monitor is obscured from the vision of the witnesses but directed to the vision of the team physicians;
    - (b)     The emergency cart will be positioned at the exterior wall of the room; and
    - (c)     A television camera directed to permit view of the condemned's head, chest and intravenous insertion site.

**NEW JERSEY, cont.**

The executioner's room shall be equipped with the following:

- (a) One standard IV set with one bag or bottle of saline solution; a standard IV line, two Y connectors with two syringe openings and one adjustable IV pole. In addition, a complete, set of the above shall be located in the room as a ready reserve in the event the primary apparatus fails;
- (b) Two instrument trays, one tray labeled, in red, Thiopental Sodium Solution and one tray labeled, in green, Potassium Chloride;
- (c) One red labeled 800 cc syringe with 5 g. or 100 ml Pentathol placed in the tray labeled Thiopental Sodium Solution;
- (d) One red labeled 800 cc syringe with 100 ml Saline placed in the tray labeled Thiopental Sodium Solution;
- (e) One green labeled 30 cc syringe with 2 mg or 30 ml Potassium Chloride placed in the tray labeled Potassium Chloride;
- (f) One green labeled 30 cc syringe with 2 mg or 30 ml saline placed in the tray labeled Potassium Chloride;
- (g) A television monitor positioned to permit the executioners vision of the condemned's head, chest and intravenous insertion site.

3. Syringe Preparation:

The team nurse, after receipt of the execution medications, shall proceed to the executioner's room where the syringes indicated in section D 1. shall be prepared and placed in the appropriate labeled tray. The team nurse shall not, under any circumstances, advise any person other than the Commissioner of the Department of Corrections of the identity of the syringe carrying the lethal medication. Consequently, there shall be no individual permitted in the executioner's room from the time the team nurse enters the room until the executioners are admitted into the room.

**NEW JERSEY, cont.****E. The Execution:****1. Equipment attachments:**

Upon arrival at the execution chamber, the stretcher carrying the condemned shall be affixed to the right entrance wall utilizing the wheel locks provided. The head shall be positioned to the room's far entrance wall.

At this time, the team IV therapist shall attach the cardiac leads to the cardiac monitor which shall then be turned on and verified by the physicians to be in proper working order.

The IV therapist shall connect the intravenous line extending from the executioner's room IV set through portholes in the room wall to the intravenous line inserted in the condemned's vein. The IV therapist shall then be escorted from the execution suite to a waiting area designated by the Superintendent, State Prison, Trenton.

Once completed, the condemned shall be left alone in the execution chamber. The team physicians shall be positioned in the witness room to view the condemned and the cardiac monitor.

**2. Injection of Lethal Medication:**

Upon order of the Commissioner, or his designate, the executioners shall:

- (a) Each procure one syringe from the tray labeled Thiopental Sodium. Each executioner is to simultaneously inject the syringe needle into a Y connector in the intravenous line (each executioner shall utilize a separate Y connector). The medication shall then gradually and simultaneously be injected into the intravenous line. The medication must not be rapidly nor sporadically injected;
- (b) View the television monitor and when the condemned has been rendered unconscious, each procure one syringe from- the tray labeled Potassium Chloride. Each executioner is to simultaneously inject the syringe needle into a Y connector in the intravenous line (each executioner shall utilize a separate Y connector). The medication shall then gradually and simultaneously be injected into the intravenous line. The medication must not be rapidly nor sporadically injected; and



**NEW JERSEY, cont.**

- (c) Be led from the executioner's room after the Superintendent, State Prison, Trenton has been advised by the team physicians viewing the cardiac monitor that the condemned has expired. No article or equipment is to be removed from the executioner's room. Upon departure of the executioners, the team physicians shall enter the execution chamber and take vital signs of the condemned.

The Correction Sergeant in charge of the detail shall remove the body restraints, shut off the intravenous line and cut the intravenous line leaving the heparin lock in place. The body of the condemned shall then be placed in the body bag and transported to an awaiting hearse for mortuary preparation.

F. Medical Intervention by the Team Physician:

In any execution, there is the possibility of the grant of a stay of the execution, in the event that such a stay is granted during the execution process and the condemned has not expired, the Superintendent shall immediately order the team physicians to intercede. Witnesses shall be removed from the area. The team physicians shall immediately initiate life saving medical techniques to revive the condemned. When indications of life are present, the condemned shall, as soon as practical, be transported to the St. Francis Medical Center Emergency Room for further treatment as necessary.

**NEW MEXICO**

*Gerges Scott, Public Information Officer for the New Mexico Department of Corrections, provided the PNM (Penitentiary of New Mexico) Policy # 073400. Issue date: 2/26/90. Revised date: 5/30/01. The PNM Policy is reprinted below.*

**TITLE: EXECUTION OF DEATH SENTENCE****I. DEFINITIONS:**

- A. **Penitentiary of New Mexico Death House:** A suitable and efficient room enclosed from public view, located within the walls of the Penitentiary of New Mexico's North Facility, specifically designed and provided with all necessary appliances requisite for carrying into execution the death penalty.

....

**NEW MEXICO, cont.****II. PROCEDURE:****A. Method for Punishment of Death**

The manner for inflicting punishment of death shall be by administration of a continuous intravenous injection of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent.

**C. Execution**

1. The condemned inmate shall be removed from the holding cell and strapped to the table (Appendix B).
2. Catheters shall be placed in each arm -and a saline solution started (Appendix A. 4).
3. The Penitentiary of New Mexico Warden shall summon and have escorted the witness, Public Information Officer, Media Pool, twelve or less reputable citizens, selected by him, and such peace officers he has deemed expedient to witness the execution, and the inmate's witnesses to the death chamber viewing room. The door shall then be locked by the North Facility Chief of Security. These persons shall be escorted by the North and South Facility Chiefs of Security.
- ....
10. The executioner shall then administer the lethal injection (Appendix A.4).
11. When the inmate no longer exhibits signs of life, the Penitentiary of New Mexico Warden shall request the Physician be brought into the death chamber.
12. The door to the Team Room shall be opened and the Physician shall be escorted into the death chamber.
13. The Physician shall then pronounce the inmate's death, record this information in the inmate's medical file, and shall then be escorted out of the death chamber.
- ....

**NEW MEXICO, cont.****INJECTION TEAM PROCEDURES****PRE-EXECUTION INVENTORY AND EQUIPMENT CHECK**

1. Members of the injection team shall conduct an equipment check of all materials necessary to perform the execution.
2. The inventory shall be conducted less than twenty-four (24) hours, and not more than ninety-six (96) hours prior to the scheduled execution.
3. An inventory check list shall be completed, dated, and initialized by the injection team. (A sample copy of the check list is included as enclosure A. I of this document. Items marked C/1 in the check column shall be carried in by the Injection Team on The evening of the execution).
4. Quantities of items in, or adjacent to, the cabinet in the injection room shall be at least those indicated in the left column of Appendix - A. 1, pages one (1) and Two (2).
5. Expiration and/or sterilization dates of all applicable items shall be checked on each individual item.
  - a. Outdated items (e.g. Normal Saline bags) shall be replaced immediately.
  - b. Sterilized packs bearing a sterilization date in excess of thirty (30) days shall be replaced or resterilized immediately.
6. On the evening of the execution, members of the Injection Team shall enter the injection room at least one hour prior to midnight or the scheduled time of the execution. They shall immediately reinventory the supplies and equipment to ensure that all is in readiness, and if applicable, obtain replacement items from the warden's office vault immediately.

**III. IV SET-UP-PROCEDURE**

1. The connecting needle of Administration Set (Travenol #2CO05S-or equivalent shall be inserted into outlet of the bag of Normal Saline IV solution (see enclosure Appendix A.2).

**NEW MEXICO, cont.**

2. The on-off clamp located between the "Y" injection site and the needle adapter shall be removed and discarded. The flow of solution shall be controlled by the Flo-Trol clamp located above the "Y" site.
  - a. The lip of the neoprene diaphragm on the "Y" injection site shall be rolled back so that it can be easily removed for insertion of syringe lips instead of a needle.
  - b. a 35-inch extension set (Travenol #2C0066-or equivalent) shall be connected to the needle adapter of the Administration Set (see enclosure Appendix A-3)  
Note: For the set-up for administration into the distal arm, a second Extension Set shall be required due to the additional distance.
3. An Angiocath (Do smaller than 18 Ga. x 2") shall be connected to the needle adapter of the Extension Set. Optimal injection flow may be achieved with a 12Ga. Or 16 Ga. Angiocath, if the veins will permit the use of the larger size.
4. The tubing shall be clear of air and the Angiocath recovered. The set-up is ready for use.
5. Steps 1 through 6 shall be repeated for the second set-up.
6. The syringes containing the drugs shall be prepared and loaded in the following steps.
  - a. Two 50-cc syringes, each containing 10-50cc of sterile Normal Saline. Label syringes "NS".
  - b. Three 50-cc syringes, each containing 50 milequiv of Potassium Chloride in 50-cc. Label syringes "3"
  - c. Three 50-cc syringes, each containing 50mg of Pavulon in 50-cc. Label syringes "2".
  - d. One 50-cc syringe containing 210\*\* Grams of Sodium Pentothal (contents of four 500 mgm vials dissolved in the least amount of diluent possible to attain complete, clear suspension). The Sodium Pentothal, being a Federally controlled drug, shall be prepared last. When it appears that it shall actually be used. Label syringe "1".

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\*\* sic: A Typo. The amount should be 2.0 grams of sodium pentothal. This corrected amount of sodium pentothal is specified in another section of New Mexico's protocol. See *also supra* app. 1, tbl. 15 (New Mexico) (explaining the typo in New Mexico's protocol).

**NEW MEXICO, cont.**

See enclosure Appendix A.4 for a list of syringes and contents. It is noted that three syringes of Pavulon three of Potassium Chloride are prepared, even through the injection procedure only calls for two of each. The extra syringes are to be prepared as "stand-bys", in the event one of the others is dropped in handling during the injection practice.

**IV. INJECTION PROCEDURE**

1. The Angiocath shall be inserted into the vein of the left arm and secured in place. The flow of Normal Saline shall be started and administered at a slow rate of flow.
2. Step I shall be repeated for the right arm. This line shall be held in reserve as a contingency line, in case of a malfunction or blockage in the first line.  
Note: At this point, the solution administration sets shall be running at a slow rate of flow, and ready for insertion of syringes containing the injection agents. Observation of both set-ups to insure that the rate of flow is uninterrupted shall be maintained. NO FURTHER ACTION shall be taken until the prearranged signal to start the injection of lethal agents is given by the warden of the Penitentiary of New Mexico.
3. Witnesses to the execution shall be brought in only after the Normal Saline IVS have been started and are running properly.

**WHEN THE SIGNAL TO COMMENCE IS GIVEN BY THE WARDEN**

5. The flow of the Normal Saline into the left arm shall be cut off utilizing the Flo-Control clamp.
6. The neoprene diaphragm ("plug") shall be removed from the "Y" injection tube.
7. The tip of Syringe # I (Sodium Pentothal) shall be inserted into the "Y" injection tube and the injection shall commence. A steady even flow of the injection shall be maintained with only a Minimum amount Of force applied to the syringe plunger.
8. When the entire contents of the syringe have been injected, Syringe # 1 shall be removed from the injection tube. A syringe of Normal Saline (Marked 'NA') shall be inserted and the entire contents injected to flush the line.

**NEW MEXICO, cont.**

9. Next the "NS" syringe shall be removed and one of the, # 2 Syringes (Pavulon shall be inserted. The entire contents shall be injected with slow, even pressure on the syringe plunger. **CAUTION:** if all of the Sodium Pentothal has not been flushed from the line, there is a chance of flocculation forming when coming in contact with the Pavulon, which will block the flow of fluid through the Angiocath. If this should happen, shift over to the contingency line running to the right arm. When the contents of the first # 2 syringe have been injected, repeat with the second # 2 syringe.
10. When both syringes have been injected the second "NS" syringe shall be inserted and the entire contents shall be injected to flush the line.
11. Next the first # 3 syringe (KCl) shall be inserted and the entire contents shall be injected. The second # 3 syringe shall be repeated or until death has been pronounced by the Physician.
12. Upon completion of the injections, or at such earlier time as may be appropriate, the physician shall examine the inmate to pronounce death. After the witnesses have been removed, both IV lines from the veins shall be removed and the tubing shall be passed through the opening into the execution chamber.

<b>LABELED/ MARKED</b>	<b>CONTENTS OF SYRINGES CONTENTS</b>	<b>QUANTITY</b>
#1	Sodium Pentothal, 2.0 Gm. Four 500 mgm Vials dissolved in the least amount of diluent Possible to attain complete, clear suspension.	1 Syringe
N/S	Normal Saline, 10-15cc.	2-Syringes
#2	Pavulon, 50 mgm per 50 cc. (Five 10 cc ampules of 10 mgm each in each syringe).	3-Syringes
#3	Potassium Chloride, 50 milequiv. 1 per 50 cc. (Five 10 cc ampules of 10 milequiv, Each in Each syringe).	3-Syringes

Total Injection: 100cc/100 milequiv., or two Syringes, one made up as a stand by.

**NEW MEXICO, cont.****TIE-DOWN TEAM PRACTICE SESSION**

Note: During the practice session, the following procedures will be utilized. Upon completion of the execution the Tie-Down Team shall remove the straps as detailed in Section 3.

1. The condemned inmate shall be escorted from the holding cell into the execution chamber.
2. The condemned inmate shall be ordered to lay down on his/her back on the table.
3. The condemned inmate shall be strapped to the table as follows (see Appendix-B. 1):
  - a. The condemned inmate's ankle and wrists shall be buckled down simultaneously.
  - b. The strap across the chest and below the knees shall be placed on the inmate. The strap across the stomach and above the knees shall be placed on the inmate.
4. The members of the Tie-Down Team are escorted out of the execution chamber.

**NEW YORK****IV. Procedures to be Followed for Condemned Persons on Execution Date Green Haven Correctional Facility**

....

**V. In accordance with Correction Law Section 658, the punishment of death shall be inflicted by lethal injection.****A. Supplies and Equipment**

The New York State Department of Correctional Services will utilize routinely available intravenous systems, extension sets, angiocaths and a variety of syringes. A combination of normal saline, sodium pentothal, pavulon and potassium chloride shall be used progressively so as to cause the death of the condemned inmate.

**B. Personnel**

1. The Department shall identify two legally-qualified individuals proficient in starting and administering IV fluids. The identity of these individuals shall not be disclosed.

**NEW YORK, cont.**

2. A physician shall be identified by the Department of Correctional Services in order to examine the inmate following the lethal injection to pronounce death. The identity of this individual shall not be disclosed.

**C. Preparation**

1. One hour before the scheduled time of execution, personnel will enter the Injection Team Room.
  - a) They will remove the contents of the Lethal Injection Kit and prepare the syringes for injection.
  - b) Using adhesive tape and marking pens, they will label the syringes as follows:
    1. The two sodium pentothal syringes will be labeled "SP1" and "SP2".
  - c) The three pavulon syringes will be labeled "Pav1", "Pav2" and "Pav3"
  - d) The three potassium chloride syringes will be labeled "PC1", "PC2" and "PC3".
  - e) The two normal saline syringes will be labeled "NS".
2. Thirty minutes prior to the scheduled time of execution, personnel will set up two 500cc saline IV solutions by connection to the IV start kits.
  - a) Two separate IV lines will be used.
  - b) The IV extension sets will be connected to the IV start kits and the two lines will be passed through the opening of the wall into the Execution Chamber.
  - c) The flow of both IV lines will be checked by regulating each flow clamp. When the flow has been checked, the flow clamps will be shut off.
3. Five minutes prior to the scheduled time of execution, the inmate is rolled into the Execution Chamber, already strapped and secured to the gurney and the gurney is locked in place.



**NEW YORK, cont.**

4. Personnel will enter the Execution Chamber to set up the two angiocaths, one in each forearm or other usable vein.
  - a) Personnel may wear disposable surgical masks, gowns and surgical gloves.
  - b) Each angiocath will be connected to an IV extension set which leads to one of the 500cc saline solutions.
  - c) Personnel will then start and regulate the flows of both IV saline solutions at a rate of 10 to 15 drops per minute.
5. Personnel will then connect the cardiac monitor leads to the condemned inmate.
  - a) The audio signal of the cardiac monitor shall be silent or set to the lowest sound level if it is not capable of being muted.
  - b) The cardiac monitor screen will be positioned in the Execution Chamber so as to be observable by the media and civilian witnesses.
6. Upon completing all connections, personnel will exit the Execution Chamber and notify the Superintendent that they are ready to commence the lethal injection.
7. After the Commissioner declares that no stay of execution has been ordered, he will direct the Superintendent to proceed with the execution.
8. The Superintendent will order appointed staff to open the curtain and the executioner will commence the flow of the lethal injection. The executioner will follow this sequence:
  - a) The flow of the IV saline solution of the left arm will be shut off with the flow clamp.
  - b) The "SP1" syringe containing sodium pentothal will be inserted into the "Y" injection tube of the designated arm IV extension set and the injection shall commence. When emptied, the "SP1" syringe will be removed from the injection tube.

**NEW YORK, cont.**

- c) One "NS" syringe of normal saline will be inserted into the "Y" injection tube and the entire contents injected to flush the line. The emptied syringe will then be removed.
- d) The "PAV 1" syringe containing pavulon will be inserted into the "Y" connection tube and the contents injected.
  - i. CAUTION: If all of the sodium pentothal has not been flushed from the line, mixture with the pavulon may create flocculation (solid particles) to block the flow of the fluid through the angiocath. If blockage occurs, the remaining injections must be made in the contingency line running to the alternate site.

When the contents of the first pavulon syringe have been injected, the second pavulon syringe, "PAV 2", will be inserted into the "Y" connection tube and injected. The emptied syringe will then be removed.
- e) The second "NS" saline syringe will be inserted into the "Y" connection tube and the entire contents will be injected to flush the line. The emptied syringe will then be removed.
- f) The "PC 1" potassium chloride syringe will be inserted into the "Y" connection tube and the entire contents shall be injected. When the contents of the first potassium chloride syringe have been injected, the second potassium chloride syringe, "PC 2", will be inserted into the "Y" connection tube and injected. The emptied syringe will then be removed.

**NEW YORK, cont.**

9. After the second potassium chloride syringe has been removed from the line, the executioner will observe the inmate for a period of five (5) minutes. If it appears that the inmate has ceased breathing, the executioner will notify the security supervisor in the chamber that the inmate has ceased breathing.
10. If at any time after the flow of lethal injection has commenced, the Governor or appropriate court issue a stay of execution, the Superintendent will immediately issue a STOP order. The Superintendent will then order the Security Supervisor in the chamber to:
  - i) Signal to draw the curtains to the closed position.
  - ii) Direct the executioner to cease the flow of lethal drugs.
  - iii) Summon the physician to undertake revival procedures.
11. The curtain will be closed.
12. After the curtain has been closed, the physician will be escorted to the Execution Chamber.
13. The physician will conduct an examination to determine whether the inmate died following the lethal injection and will pronounce the inmate dead under those circumstances.
  - a) If the inmate has died, the physician will inform the security supervisor that he has pronounced the inmate dead and the time of the pronouncement.

....

**NEW YORK, cont.**

- b) If the inmate is still alive, the physician will inform the security supervisor that the inmate is still alive. The security supervisor will announce to the witnesses that the inmate is still alive and that in accordance with the law, the lethal injection process shall be repeated. The physician will exit the room. The security supervisor will order the curtains to be opened and direct the executioner to proceed. Upon completion of the repeat of the execution process, the procedure outlined in #13 above shall be repeated.
- 14. After the witnesses have been removed, both IV lines will be removed from the veins. The equipment and lethal drugs will be secured in the lethal injection kit. The needles will be placed in a sharps container.

**NORTH CAROLINA****LETHAL INJECTION:**

The inmate is secured with lined ankle and wrist restraints to a gurney in the preparation room outside the chamber. Cardiac monitor leads and a stethoscope are attached. Two saline intravenous lines are started, one in each arm, and the inmate is covered with a sheet.

The inmate is given the opportunity to speak and pray with the chaplain. The warden then gives the condemned an opportunity to record a final statement that will be made public. After the witnesses are in place, the inmate's gurney is taken into the chamber by correctional officers who draw the curtain and exit. Appropriately trained personnel then enter behind the curtain and connect the cardiac monitor leads, the injection devices and the stethoscope to the appropriate leads. The warden informs the witnesses that the execution is about to begin. He returns to the chamber and gives the order to proceed.

The saline intravenous lines are turned off and the thiopental sodium is injected which puts the inmate into a deep sleep. A second chemical agent, procuronium [sic] bromide (the generic name for Pavulon), follows. This agent is a total muscle relaxer. The inmate stops breathing and dies soon afterward.

**NORTH CAROLINA, cont.**

The warden pronounces the inmate dead and a physician certifies death has occurred. The witnesses are escorted to the elevators and the body is released to the medical examiner.

**Cost of execution supplies**

12 each 60cc syringe@.40 each	4.80	
6 each 10cc syringe@.12 each	.72	
3 each 1000 ml saline@.71 each	2.13	
3 each I-V tubing set@.63 each	1.89	
3 each I-V set (needle)@6.87 each		20.61
12 each I-V stopcock@1.23 each	14.76	
4 each Thiopental sodium 5 gm.100 ml@37.24	148.96	
12 each Pavulon 5 ml@12.72	152.64	
<b>TOTAL</b>		<b>\$346.51</b>

**OHIO**

*According to Joe Andrews, Communications Chief of the Ohio Department of Rehabilitation and Correction, Ohio does have a written policy. However, that policy is vague and he thought it preferable to provide the requested information over the phone.*

The chemicals used for lethal injection executions are:

Sodium Pentothal

Pavulon

Potassium Chloride

....

Witnesses for the inmate and the victim are then brought in. The inmate will be given the opportunity to make a final statement. The warden gives the predetermined signal from a separate room. The technician will start the flow of chemicals.

The curtain will be pulled closed while the physician checks the inmate to pronounce death. The warden then opens the curtain and pronounces the time of death.

## OKLAHOMA

### Execution Process

#### Method of Execution: Lethal Injection.

##### Drugs used:

Sodium Thiopental causes unconsciousness.

Pancuronium Bromide stops respiration.

Potassium Chloride stops heart.

Two intravenous lines are inserted, one in each arm.

The drugs are injected by hand held syringes sequentially into the intravenous lines, alternating

between the two lines. The sequence is in the order that the drugs are listed above. Saline is

also injected after each drug is injected.

Three executioners are utilized, with each one injecting one of the drugs.

## OREGON

### Miscellaneous Capital Punishment Facts

#### Chemicals used in procedure:

Oregon Statute: "The punishment of death shall be inflicted by the intravenous administration of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent and potassium chloride or other equally effective substances sufficient to cause death."

Sodium Pentothol (induces sleep)

Pancuronium Bromide (stops breathing)

Potassium Chloride (stops heart)

....

### The Final Minutes

At 11:30 p.m. the assistant superintendent, security, confirms that the clock used to determine the time to carry out the execution is accurate. The superintendent accompanies the executioner(s) to the execution room and ensures that the confidentiality of the executioner is not compromised.

Once restraints have been applied to the inmate, the Special Security Team leader instructs the officer supervising the execution room cell to open the cell door. The leader supervises the activities of the Special Security Team members, who escort the inmate in security restraints from the cell and position and properly restrain the inmate on the table. There are no visits once the inmate has been moved to the execution room.

Medically trained individuals connect a heart monitor to the inmate which helps determine when death has occurred. They also insert two intravenous catheters –

one primary and one back-up – in the most appropriate locations on the inmate's body, usually the arms and/or hands.

### **OREGON, cont.**

Following insertion of the intravenous catheters the witnesses are escorted to the witness area. Two correctional captains are stationed in the witness area to assist witnesses and maintain decorum. If at any point in the execution process a stay of execution is ordered, the superintendent shall halt all execution procedures and the witnesses shall be removed.

### **The Execution**

Immediately prior to execution, the assistant superintendent, security, inspects all straps, and with the assistance of medically trained staff, makes a final inspection of the intravenous catheters and the injection equipment. Upon authorization from the superintendent the window coverings are lifted so the witnesses can see the inmate in position on the table. The table is designed to slightly elevate the inmate's head so witnesses have full view of the actual execution.

If no stay of execution has been received via the open phone lines to the governor and the attorney general, as soon after midnight as possible, the superintendent signals the executioner to begin injection of lethal solutions into the injection port of the intravenous catheters. As prescribed by ORS 137.473, the lethal solutions include an ultra-short acting barbiturate in combination with a chemical paralytic agent and potassium chloride or other equally effective substances sufficient to cause death.

The executioner signals the superintendent when infusion of the lethal substances has been completed. Once death occurs, the time is noted. The superintendent summons a medical professional to officially certify the inmate's death. The superintendent announces the time of death to the witnesses. The time of death is conveyed via telephone to the communications manager who announces it to the media assembled in the media center.

### **PENNSYLVANIA**

*According to Susan McNaughton, Press Office, Penal & Correctional Institution of the Commonwealth of Pennsylvania, apart from what is available on the internet, Pennsylvania's lethal injection protocol is confidential. The following information is derived from <http://www.cor.state.pa.us/deathbck.htm>.*

When a death sentence has been affirmed by the Supreme Court, the punishment of death shall be inflicted by injecting the convict with a continuous, intravenous administration of a lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent approved by the Department of Corrections until death is pronounced by a licensed physician. Punishment shall be supervised by the warden or superintendent of the penitentiary designated by the Department of Corrections for the execution.

### SOUTH CAROLINA

*According to an e-mail written by Susan Buff, South Carolina Department of Correction, a list of the chemicals used in a lethal injection was not available because, "[t]his information you have requested is not considered public information."*

*Http://www.state.sc.us/scdc/capitalpunishment/capitalpunishment.htm*, provides the following information.

If the person waives the right of election and the penalty was imposed on or after 6/8/95, the penalty will be administered by lethal injection.

....

#### **Lethal Injection**

Legislation signed into law on June 8, 1995, provided the option of lethal injection as a means of executing a condemned person. South Carolina was the 25th state to authorize capital punishment by lethal injection. In order to secure and utilize the controlled substances, the Department of Corrections had to be licensed/certified by the Federal Drug Enforcement Administration, the Department of Health and Environmental Control and the State Board of Pharmacy.

Chemicals necessary to carry out lethal injection are handled, stored and disposed of in accordance with a strict protocol that limits the number of individuals who have access to the chemicals. This protocol had to be approved by the Drug Enforcement Administration and the Department of Health and Environmental Control.

### SOUTH DAKOTA

*According to an e-mail attachment from Michael Winder, South Dakota Department of Corrections, South Dakota's policy is documented in "Execution Guidelines.doc," which is reprinted as follows.*

#### PREPARATIONS:

Senior ranking officers should do the actual strapping of the inmate to the gurney. An I.V. will be put in both arms, with one intended as a back-up. In the event that the inmate was a heavy drug user with bad veins, the I.V. may have to be put in the feet or the neck. The inmate will not be sedated before hand. The inmate can wear regular inmate clothing or "dress outs" if they can obtain them. The inmate will wear shoes.



**SOUTH DAKOTA, cont.**

Curtains or blinds should be in place over the viewing windows in each witness room. Witnesses will be brought in to the viewing room after the I.V. is hooked up. The curtains/blinds will be opened at the time the execution is to begin. At the conclusion of the execution the curtains/blinds will be closed and the witnesses will be lead out.

**PRIOR ARRANGEMENTS:**

Prior arrangements will be made for disposal of an inmate's commissary items, personal property and his body.

**WITNESSES:**

The Warden shall request, by at least two (2) days' previous notice, the presence of the following at the execution:

- The Attorney General.
- The trial Judge before whom the conviction was had or his/her successor in office.
- The State's Attorney and Sheriff of the county where the crime was committed.
- Not more than ten (10) reputable adult citizens, including at least one (1) member of the news media.

The Warden will also arrange for the attendance of the prison physician and two (2) other licensed physicians of this state. The Warden will also arrange for the attendance of such prison guards and peace officers as he may deem proper (SDCL 23A-27A-34).

At the request of the inmate; ministers of the gospel, priests or clergymen of any denomination as the inmate may require (not exceeding two) and any relatives or friends (not exceeding five) will be permitted to attend the execution (SDCL 23A-27A-35).

The presence of any person under the age of eighteen (18) years old, unless a relative, will not be permitted. No relatives of tender years will be admitted (SDCL 23A-27A-36). "Tender years" is defined as five (5) years old or younger.

**SOUTH DAKOTA, cont.****CHEMICALS:**

Any pharmacist or pharmaceutical supplier is authorized to dispense the drugs to the Warden, without prescription, for carrying out the provisions of an execution (SDCL 23A-27A-32). The chemicals will be kept in a secured location until they are needed.

The chemicals to be used are Sodium Thiopental (lethal dose – sedate person), Pancuronium Bromide (muscle relaxant – collapse diaphragm and lungs) and Potassium Chloride (stops heart beat). In between each dose of the prescribed chemical, a saline solution will be run through the I.V. line(s) to ensure that the lines are kept free of any blockage.

**CHEMICAL ROOM:**

The chemical room has a one-way mirror that permits people in the room to see out but does not permit people from the outside to see inside the room.

The Attorney General, Governor and any Department of Corrections' officials (other than the Warden) may be in this room. Arrangements will be made ahead of time to have an Emergency Medical Technician (EMT) present who meets the criteria in SDCL 23A-27A-32. The EMT will be in the execution room for a short time to hook up the I.V. to the inmate. The other end of the I.V. line will be inside the chemical room. The EMT will then go inside of the chemical room and will administer the chemicals upon the signal from the Warden.

**EXECUTION ROOM:**

The Warden, the inmate and a minister of the gospel/priest/clergyman (if requested by the inmate) will be the only people in the execution room. The inmate will be allowed time to give a final statement. The final statement will be recorded through a microphone near the inmate.

Approximately three (3) minutes after the administering of the last chemical, the doctor will be brought into the execution room. The doctor will pronounce the inmate dead.

**SOUTH DAKOTA, cont.****POST EXECUTION:**

Immediately after the execution, a post-mortem examination of the body will be made by the physicians present. They shall report in writing the result of their examination stating the nature thereof and the finding made (SDCL 23A-27A-38). After the post-mortem examination of the body, unless claimed by some relative, will be interred in a cemetery within the county where the penitentiary is situated (SDCL 23A-27A-39).

**DISABILITY OF WARDEN:**

In case of the disability from illness or other sufficient cause of the Warden to whom the death warrant is directed to be present and execute the same, it shall be the duty of the principal Deputy Warden or such other officer of the prison as may be designated by the Warden to execute the warrant and to perform all other duties imposed upon the Warden (SDCL 23A-27A-41).

Counseling and debriefing will be made available to staff who witness the execution.

**TENNESSEE**

*According to Steve Hayes, Public Information Officer, Tennessee Department of Correction, Tennessee uses the following chemicals in a lethal injection procedure:*

1. Sodium Pentothal
2. Pancuronium Bromide
3. Potassium Chloride

*The following constitute pages relevant to Tennessee's Execution Procedure:*

**Day 4 Execution Day**

**12:00 a.m.**

1. By prior planning, the execution team will be brought in through the vehicle gate by Administrative Assistant or designated staff member. They will be taken directly to executioner waiting area in Building 8. Their identities will be known by least number of staff necessary.

**TENNESSEE, cont.**

2. Beginning at 12:00 a.m., the only staff authorized in the capital punishment complex are:
  - a. Commissioner or designee
  - b. Warden
  - c. Deputy Warden
  - d. Administrative Assistant
  - e. Death Watch Supervisor and assigned officers
  - f. Chaplain
  - g. Medical Doctor and associate
  - h. Executioner (executioner waiting area)
  - i. IV Team
  - j. Extraction Team
3. Inmate will be dressed in cotton trousers, shirt, cotton socks, or cloth house shoes.
4. Official witnesses will report to the Administration Building conference room no later than 12:00 a.m., be greeted by two designated DOC escort staff, security cleared and moved to Building 9 Parole Board Room, where they will remain until later escorted to the witness room of the execution chamber.
5. Immediate family members of the victim will report to the Administration Building no later than 12:30 a.m. and be greeted by two designated DOC employees. These witnesses will be security-cleared and escorted to the Building 8 conference room. Viewing of the execution by these witnesses will be provided by means of closed circuit television at the designated time.
6. The Administrative Assistant or designate and physician will report to the execution chamber for preparation. The Administrative Assistant or designate will check the phones in the chamber. The IV Team will ready the equipment and the physician will stand by in the designated waiting area.

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**12:55 a.m.**

1. Beginning at 12:55 a.m., the only staff authorized in the execution chamber are the Warden and those TDOC employees designated by him to carry out the execution.

**TENNESSEE, cont.**

2. At the command of the Warden or Deputy Warden, the Extraction Team will approach the holding cell and ask the condemned inmate to approach the cell door and be handcuffed. After being handcuffed, he/she will be asked by the Extraction Team Leader to step back and place his/her hands above his/her head on the wall at the rear of the holding cell. (If the condemned inmate refuses to cooperate, the Extraction Team will enter the holding cell and remove inmate.)
3. At this point the Extraction Team will unlock the cell door to allow the Extraction Team to enter. The condemned will then be escorted from the cell and placed on the gurney and secured with restraints affixed to gurney.
4. The gurney will be moved to the designated area in the execution chamber and secured in place. The Warden, Deputy Warden and Chaplain will accompany the condemned into the execution chamber. The Extraction Team and Chaplain then leave the execution chamber and return to the holding cell area.
5. The Administrative Assistant or designate will record the time the condemned entered the execution chamber.
6. The IV technicians will insert a catheter into each arm, attach the tubing, and start an IV consisting of saline solution. The IV Team will then leave the execution chamber and return to the holding cell area. The physician will be available in the designated waiting area and will perform a cutdown procedure if the IV technicians are unable to find a vein that is adequate enough to insert a catheter.
7. Official witnesses will be secured in the official witness room.
8. The closed circuit television camera and audio system will be activated.

1:00 a.m.

1. The Warden shall contact the Commissioner to insure that no last minute stay or respite has been granted.
2. The Warden will permit the inmate to make a last statement.
3. The Warden will give the signal to proceed and the injection procedure will continue until all the chemicals have been injected into the condemned and the person is presumed dead.
4. The Administrative Assistant or designate will record the times the injection process begins and ends.

**TENNESSEE, cont.**

5. Following the completion of the injection process, and a five-minute waiting period, the blinds to the official witness room closed, closed-circuit TV camera disengaged, and privacy curtain closed, the Warden will ask the physician to enter the room to conduct an examination. If the inmate is not dead, the physician will return to the designated waiting area. The curtain will be opened, blinds raised, cameras activated, and the Warden shall give the command to repeat the injection procedure. After this procedure is completed, the blinds will once again be closed, closed-circuit TV camera disengaged, and the privacy curtain closed. The Warden will once again ask the physician to enter the room and check for signs of life. The physician shall then report his findings to the Warden or designee.
6. The inmate is pronounced dead. The Administrative Assistant or designate records the time that death is pronounced.
7. The Warden or designate announces that the sentence has been carried out and invites witnesses to exit. "The sentence of \_\_\_\_\_ has been carried out. Please exit to the rear at this time."

**TEXAS****Execution Procedures of Inmates Sentenced to Death  
Texas Department of Criminal Justice Institutional Division**

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The Huntsville Unit Warden's Office will serve as the communications command post and only operations personnel be allowed entry to this area. All other individuals, including witnesses to the execution, will assemble at approximately 5:54 p. m. in the lounge adjacent to the visiting room. All necessary arrangements to carry out the execution shall be completed at the predetermined time. Shortly after 6:00 p.m., the door will be unlocked, and the inmate will be removed from the holding cell.

The inmate will be taken from the cell area into the execution chamber and secured to a gurney. A medically-trained individual (not to be identified) shall insert an intravenous catheter into the condemned person's arms and cause a saline solution to flow.

At a predetermined time, the witnesses shall be escorted to the execution chamber...

....

**TEXAS, cont.****Lethal Injection consists of**

Sodium Thiopental (lethal dose - sedates person)

Pancuronium Bromide (muscle relaxant-collapses diaphragm and lungs)

Potassium Chloride (stops heart beat)

The offender is usually pronounced dead approximately 7 minutes after the lethal injection begins.

**UTAH**

*The following is derived from [http://www.udc.state.ut.us /community/faq/index.html](http://www.udc.state.ut.us/community/faq/index.html)*

Utah currently has two methods of execution; lethal injection and firing squad. The choice of which method is carried out is left to the condemned offender.

*The following information was provided in a conversation with Jack Ford, Director of Public Relations, Utah Department of Corrections.*

*The chemicals used in a lethal injection execution:*

Sodium thiopental

Pavulon

Potassium Chloride

*According to Mr. Ford, "We cannot legally send a procedure. We would only be able to give clearance for states about to execute an inmate."*

....

*The problems Mr. Ford discussed with respect to Utah's lethal injection procedure:*

.... Another problem was cited by an independent reviewer who said that we [Utah Department of Corrections] give more chemicals than necessary in the lethal injection executions. The question being, if we're going to kill the guy what does it matter if its more? We use 10 ccs, I believe and it is typically 5 across other states. The medical director should have that information from the reviewer.

## VIRGINIA

*According to Larry Traylor, Director of Communications, Virginia Department of Corrections, "For security and safety purposes we do not release the names of the chemicals used in a lethal injection." Mr. Traylor also provided a word document that contained the following information.*

### **Electrocutions**

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The electric chair itself is simply a homemade oak armchair with leather straps attached. It is the same chair that was used at the Penitentiary in Richmond and is believed to have been built there in 1908.

The electrical mechanism is new and was installed when the chair was moved from Richmond to Greensville Correctional Center in May of 1991. The equipment is designed to deliver approx. 1825 volts for 30 seconds then 240 volts for 60 seconds. There is a pause of five seconds, then the cycle is repeated. The equipment, therefore, is operated for a total of three minutes. The cycle was designed to render the condemned brain dead within the first few moments. The function of the remainder of the cycle is to stop the heart so that a physician can certify that death has occurred.

### **Lethal Injection**

Lethal injection became an option to the electric chair in Virginia on January 1, 1995. At least fifteen days prior to his scheduled execution, the death row inmate makes the choice between injection and electrocution. If the inmate makes no choice, lethal injection is automatic.

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The inmate is escorted into the chamber just prior to the appointed hour. The curtains separating the witness room and the execution chamber remain open until the inmate is restrained to the table. Once the inmate is restrained, the curtains are closed and remain closed until the IV lines have been established, normally, one in each arm. The curtains are reopened and the Director gives the order to carry out the sentence of the court.

Three separate chemicals are injected, each separated by saline solution. The first chemical stops brain activity, the second causes respiration to cease, and the third stops the heart.

When the Director is informed that death has occurred, the curtains are closed and the witnesses are escorted from the Death Chamber.



**WASHINGTON****F. Conduct of the Execution**

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**3. Execution Procedure****b. Lethal Injection Procedure.**

- 1) Lethal Injection Materials.
  - a) All tubing, syringes, saline solution and other apparatus shall be on site and verified no later than one week prior to scheduled execution.
  - b) The Superintendent will direct the acquisition of the appropriate quantities of lethal substances in accord with the currently approved checklist. These shall be available and on site one week prior to the scheduled execution date.
  - c) The Superintendent will assure the security and continued verification of all materials.
- 2) Lethal Injection Table. The Health Care manager, in conjunction with the Plant Manager, shall examine and verify that the lethal injection table is in working condition with all restraints available.

*Author's note: The Washington document skips from 2 to 4 and it doesn't appear to have been copied with a section blocked out.*

- 4) Preparation of the Execution Area.
  - a) The injection team will inspect the area designated for lethal injection and make any final recommendations
  - b) The injection team will assemble all necessary materials for transport to the execution chamber no less than one hour prior to the scheduled time of execution.

**WASHINGTON, cont.**

- c) The injection team leader will secure the lethal substances and personally transport them to the execution chamber.
  - d) The solutions for injection should be freshly prepared no longer than 30 minutes prior to administration.
- 5) Execution process.
- a) The superintendent shall direct that the inmate be brought to the execution chamber and the escort team shall place the inmate on the lethal injection table and appropriately secure the inmate to the table. The escort team will then leave the room.
  - b) The injection team will start a normal flow of saline in the right and left arms. The injection team shall insure that a slow, normal saline flow is maintained.
  - c) Upon notification from the Superintendent, the injection team will introduce the following lethal solutions (a bolus injection shall be used) into the tubing in the specified order:
    - i. 2 g/50cc thiopental sodium
    - ii. 15 cc normal saline
    - iii. 50 mg/50 cc pancuronium bromide
    - iv. 15 cc normal saline
    - v. 1.50-2.70 mEq/kg potassium chloride (KCl)
  - d) Either line may be used for injection of solutions as required.
  - e) The injection team leader will signal the Superintendent that all of the solutions have been administered.

**WASHINGTON, cont.**

- f) After an appropriate time, the Superintendent will close the curtains and call for the physician to examine the body and make pronouncement of death.
- g) After the pronouncement of death, the injection team shall remove the appropriate apparatus and saline solution and remain in the injection area until all other witnesses have been removed.
- h) Post-execution procedures shall be followed.

**WYOMING**

*According to Melinda Brazzale, Wyoming Department of Corrections, Wyoming does not have an execution room or "many executions." The last execution in Wyoming occurred in 1992 and the execution before that occurred in 1965. Ms. Brazzale could not provide an execution protocol in hard copy format because she had only "hand written notes."*

The chemicals used in the lethal injection are:

Sodium Pentothal  
Pancuronium Bromide  
Potassium Chloride

The gas chamber was never used from the time it was built through 1992. In 1992, Wyoming changed the execution methods statute to indicate that lethal injection would be the new mode of execution. Ms. Brazzale believes that the legislature moved to lethal injection because no one knew how to operate the gas chamber, even though there is no documentation for this rationale

*The following is derived from <http://legisweb.state.wy.us/titles/20titles/title07/c13a9.htm>.*

**ARTICLE 9**

... of death is imposed by the court in any criminal case, the punishment of death shall be executed by the administration of a continuous intravenous injection of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent, until death is pronounced by a licensed ...