

1 AN ACT concerning executions.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Medical Practice Act of 1987 is amended  
5 by changing Section 4 as follows:

6 (225 ILCS 60/4) (from Ch. 111, par. 4400-4)

7 Sec. 4. Exemptions.

8 (a) This Act does not apply to the following:

9 (1) persons lawfully carrying on their particular  
10 profession or business under any valid existing  
11 regulatory Act of this State;

12 (2) persons rendering gratuitous services in cases  
13 of emergency; or

14 (3) persons treating human ailments by prayer or  
15 spiritual means as an exercise or enjoyment of religious  
16 freedom.

17 (b) (Blank) ~~Section 22 of this Act does not apply to~~  
18 ~~persons who carry out or assist in the implementation of a~~  
19 ~~court order effecting the provisions of Section 119-5 of the~~  
20 ~~Code of Criminal Procedure of 1963.~~

21 (Source: P.A. 89-8, eff. 3-21-95.)

22 Section 10. The Code of Criminal Procedure of 1963 is  
23 amended by changing Section 119-5 as follows:

24 (725 ILCS 5/119-5) (from Ch. 38, par. 119-5)

25 Sec. 119-5. Execution of Death Sentence.

26 (a)(1) A defendant sentenced to death shall be executed  
27 by an intravenous administration of a lethal quantity of  
28 an ultrashort-acting barbiturate in combination with a  
29 chemical paralytic agent and potassium chloride or other

1           equally effective substances sufficient to cause death  
 2           until death is pronounced by a coroner who is not a  
 3           licensed physician ~~according--to--accepted-standards-of~~  
 4           ~~medical-practice.~~

5           (2) If the execution of the sentence of death as  
 6           provided in paragraph (1) is held illegal or  
 7           unconstitutional by a reviewing court of competent  
 8           jurisdiction, the sentence of death shall be carried out  
 9           by electrocution.

10          (b) In pronouncing the sentence of death the court shall  
 11         set the date of the execution which shall be not less than 60  
 12         nor more than 90 days from the date sentence is pronounced.

13          (c) A sentence of death shall be executed at a  
 14         Department of Corrections facility.

15          (d) The warden of the penitentiary shall supervise such  
 16         execution, which shall be conducted in the presence of 6  
 17         witnesses who shall certify the execution of the sentence.  
 18         The certification shall be filed with the clerk of the court  
 19         that imposed the sentence.

20          ~~(d-5) The Department of Corrections shall not request,~~  
 21         ~~require, or allow a health care practitioner licensed in~~  
 22         ~~Illinois, including but not limited to physicians and nurses,~~  
 23         ~~regardless of employment, to participate in an execution.~~

24          (e) Except as otherwise provided in this subsection (e),  
 25         the identity of executioners and other persons who  
 26         participate or perform ancillary functions in an execution  
 27         and information contained in records that would identify  
 28         those persons shall remain confidential, shall not be subject  
 29         to disclosure, and shall not be admissible as evidence or be  
 30         discoverable in any action of any kind in any court or before  
 31         any tribunal, board, agency, or person. In order to protect  
 32         the confidentiality of persons participating in an execution,  
 33         the Director of Corrections may direct that the Department  
 34         make payments in cash for such services. In confidential

1 investigations by the Department of Professional Regulation,  
 2 the Department of Corrections shall disclose the names and  
 3 license numbers of health care practitioners participating or  
 4 performing ancillary functions in an execution to the  
 5 Department of Professional Regulation and the Department of  
 6 Professional Regulation shall forward those names and license  
 7 numbers to the appropriate disciplinary boards.

8 (f) The amendatory changes to this Section made by this  
 9 amendatory Act of 1991 are severable under Section 1.31 of  
 10 the Statute on Statutes.

11 (g) ~~(Blank) Notwithstanding any other provision of law,~~  
 12 ~~assistance, participation in, or the performance of ancillary~~  
 13 ~~or other functions pursuant to this Section, including but~~  
 14 ~~not limited to the administration of the lethal substance or~~  
 15 ~~substances required by this Section, shall not be construed~~  
 16 ~~to constitute the practice of medicine.~~

17 (h) Notwithstanding any other provision of law, any  
 18 ~~pharmacist or~~ pharmaceutical supplier is authorized to  
 19 dispense drugs to the Director of Corrections or his or her  
 20 designee, without prescription, in order to carry out the  
 21 provisions of this Section.

22 (i) The amendatory changes to this Section made by this  
 23 amendatory Act of the 92nd General Assembly are severable  
 24 under Section 1.31 of the Statute on Statutes.

25 (Source: P.A. 89-8, eff. 3-21-95.)

26 Section 99. Effective date. This Act takes effect upon  
 27 becoming law.