

## CHAPTER 163

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 98-1117**

BY REPRESENTATIVES Spradley, K. Alexander, Allen, Anderson, Arrington, Gotlieb, Lamborn, Lawrence, McPherson, Miller, Musgrave, Sinclair, Smith, and Tool;  
also SENATORS Chlouber, Arnold, Dennis, Powers, and Wham.

**AN ACT**

CONCERNING PROCEDURES RELATED TO THE EXECUTION OF PRISONERS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS, AND, IN CONNECTION THEREWITH, ELIMINATING THE PROHIBITION AGAINST THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS MAKING THE DAY AND HOUR OF EXECUTIONS PUBLIC AND INCREASING THE NUMBER OF WITNESSES WHO MAY ATTEND EXECUTIONS.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 16-11-404, Colorado Revised Statutes, is amended to read:

**16-11-404. Execution - witnesses.** The particular day and hour of the execution of said sentence within the week specified in said warrant shall be fixed by the executive director of the department of corrections or ~~his designee but shall not be made public by him, and he~~ THE EXECUTIVE DIRECTOR'S DESIGNEE, AND THE EXECUTIVE DIRECTOR shall be present thereat or shall appoint some other representative among the officials or officers of the correctional facilities at Canon City to be present in his OR HER place and stead. There shall also be present a physician and such guards, attendants, and other persons as the executive director or ~~his~~ THE EXECUTIVE DIRECTOR'S designee in his OR HER discretion deems NECESSARY TO CONDUCT THE EXECUTION. IN ADDITION, THERE MAY BE PRESENT SUCH WITNESSES AS THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE IN HIS OR HER DISCRETION DEEMS desirable, not to exceed ~~fifteen~~ EIGHTEEN persons. The executive director or ~~his~~ THE EXECUTIVE DIRECTOR'S designee shall notify the governor of the day and hour for the execution as soon as it has been fixed.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 1998