

**South Carolina General Assembly**  
124th Session, 2021-2022

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**Bill 200**

~~Indicates Matter Stricken~~

Indicates New Matter

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AMENDED

March 2, 2021

**S. 200**

Introduced by Senators Hembree, Martin, Kimbrell, Shealy Gustafson, and Turner

S. Printed 3/2/21--S. [SEC 3/3/21 12:08 PM]

Read the first time January 12, 2021.

**A BILL**

TO AMEND SECTION 24-3-530 OF THE 1976 CODE, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, TO PROVIDE THAT A PERSON SENTENCED TO DEATH MAY ELECT FOR ELECTROCUTION OR LETHAL INJECTION IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS DIRECTOR SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, TO PROVIDE THAT A CONVICTED PERSON'S SIGNATURE MUST BE WITNESSED, AND TO PROVIDE THAT THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION REGARDLESS OF THE METHOD ELECTED BY THE PERSON IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 24-3-530 of the 1976 Code is amended to read:

"Section 24-3-530. (A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the convicted person, by firing squad or lethal

injection, if it is available at the time of election, under the direction of the Director of the Department of Corrections. The election for death by electrocution, firing squad, or lethal injection must be made in writing fourteen days before ~~the~~ each execution date or it is waived. If the convicted person receives a stay of execution or the execution date has passed for any reason, then the election expires and must be renewed in writing fourteen days before a new execution date. If the convicted person waives the right of election, then the penalty must be administered by ~~lethal injection~~ electrocution.

(B) The Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected pursuant to subsection (A) is available.

(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by firing squad or lethal injection, if it is available, in writing fourteen days before the execution date. The convicted person must sign and date the form. The convicted person's signature must be witnessed by two persons who are not inmates of the Department of Corrections and not under the supervision of the Director of the Department of Corrections. The witnesses' signatures must be duly notarized. The form must contain a certification signed by the witnesses that the convicted person's signature is free from coercion and voluntarily given.

~~(C)~~(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution, regardless of the method elected by the convicted person.

(E) The Department of Corrections must provide written notice to a convicted person of his right to election under this section.

(F) The Department of Corrections shall promulgate regulations that establish protocols and procedures for carrying out executions pursuant to this section."

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

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