

Introduced by Senator Burton

January 25, 2001

An act to amend Section 3605 of the Penal Code, relating to death penalty executions.

LEGISLATIVE COUNSEL'S DIGEST

SB 129, as introduced, Burton. Death penalty executions: physicians.

Existing law directs the warden of the state prison where an execution is scheduled to take place to invite various persons to witness the execution, including 2 physicians.

This bill would remove the requirement that the warden invite physicians to the execution. The bill would provide that no physician may be compelled to attend an execution, and that a physician's refusal to attend may not be used in any disciplinary action or negative job performance citation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3605 of the Penal Code is amended to
2 read:
3 3605. (a) The warden of the state prison where the execution
4 is to take place shall be present at the execution and shall, subject
5 to any applicable requirement or definition set forth in subdivision
6 (b), invite the presence of ~~two physicians~~, the Attorney General,
7 the members of the immediate family of the victim or victims of
8 the defendant, and at least 12 reputable citizens, to be selected by



1 the warden. The warden shall, at the request of the defendant,
2 permit those ministers of the Gospel, not exceeding two, as the
3 defendant may name, and any persons, relatives or friends, not to
4 exceed five, to be present at the execution, together with those
5 peace officers as he or she may think expedient, to witness the
6 execution. But no other persons than those specified in this section
7 may be present at the execution, nor may any person under 18
8 years of age be allowed to witness the execution.

9 (b) (1) For purposes of an invitation required by subdivision
10 (a) to members of the immediate family of the victim or victims
11 of the defendant, the warden of the state prison where the
12 execution is to take place shall make the invitation only if a
13 member of the immediate family of the victim or victims of the
14 defendant so requests in writing. In the event that a written request
15 is made, the warden of the state prison where the execution is to
16 take place shall automatically make the invitation 30 days prior to
17 the date of an imminent execution or as close to this date as
18 practicable.

19 (2) For purposes of this section, “immediate family” means
20 those persons who are related by blood, adoption, or marriage,
21 within the second degree of consanguinity or affinity.

22 (c) *No physician, whether or not employed by the Department*
23 *of Corrections, shall be compelled to attend the execution, and any*
24 *physician’s attendance shall be voluntary. A physician’s refusal to*
25 *attend the execution shall not be used in any disciplinary action or*
26 *negative job performance citation.*

