

Georgia House of Representatives - 1995/1996 Sessions

HB 1274 - Death penalty; guillotine provisions

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Code Sections - 17-10-38/ 17-10-44

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1. Teper 61st

House Comm: SJud / Senate Comm: /
House Vote: Yeas Nays Senate Vote: Yeas Nays

House Action Senate

1/12/96 Read 1st Time
1/22/96 Read 2nd Time

Code Sections amended:

HB 1274

LC 21 3643

A BILL TO BE ENTITLED
AN ACT

1- 1 To amend Article 2 of Chapter 10 of Title 17 of the Official
1- 2 Code of Georgia Annotated, relating to the death penalty
1- 3 generally, so as to provide a statement of legislative
1- 4 policy; to provide for death by guillotine; to provide for
1- 5 applicability; to repeal conflicting laws; and for other
1- 6 purposes.

1- 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

1- 8 The General Assembly finds that while prisoners condemned to

1- 9 death may wish to donate one or more of their organs for
1-10 transplant, any such desire is thwarted by the fact that
1-11 electrocution makes all such organs unsuitable for
1-12 transplant. The intent of the General Assembly in enacting
1-13 this legislation is to provide for a method of execution
1-14 which is compatible with the donation of organs by a
1-15 condemned prisoner.

SECTION 2.

1-16 Article 2 of Chapter 10 of Title 17 of the Official Code of
1-17 Georgia Annotated, relating to the death penalty generally,
1-18 is amended by striking in its entirety Code Section
1-19 17-10-38, relating to death sentences generally, and
1-20 inserting in lieu thereof the following:

1-21 "17-10-38. (Index)

1-22 (a) All persons who have been convicted of a capital
1-23 offense and have had imposed upon them a sentence of death
1-24 shall, at the election of the condemned, suffer such
1-25 punishment either by electrocution or by guillotine. If
1-26 the condemned fails to make an election by the thirtieth
1-27 day preceding the date scheduled for execution, punishment
1-28 shall be by electrocution.

1-29 (b) In all cases in which the defendant is sentenced to be
1-30 electrocuted executed, it shall be the duty of the trial
1-31 judge in passing sentence to direct that the defendant be

-1- (Index)

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2- 1 delivered to the Department of Corrections for
2- 2 electrocution execution at a state correctional
2- 3 institution designated by the department."

SECTION 3.

2- 4 Said article is further amended by striking in its entirety
2- 5 Code Section 17-10-44, relating to death chamber apparatus

2- 6 and related matters, and inserting in lieu thereof the
2- 7 following:

2- 8 "17-10-44. (Index)

2- 9 The Department of Corrections shall provide a death
2-10 chamber and all necessary apparatus, machinery, and
2-11 appliances for inflicting the penalty of death by
2-12 electrocution or by guillotine."

SECTION 4.

2-13 This Act shall be applicable to all executions occurring on
2-14 or after August 31, 1996.

SECTION 5.

2-15 All laws and parts of laws in conflict with this Act are
2-16 repealed.

-2- (Index)

Office of the Clerk of the House

Robert E. Rivers, Jr., Clerk of the House

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