



Reprinted  
January 28, 2026

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## HOUSE BILL No. 1119

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DIGEST OF HB 1119 (Updated January 27, 2026 5:21 pm - DI 106)

**Citations Affected:** IC 35-38.

**Synopsis:** Execution methods. Authorizes the death penalty to be carried out by firing squad. Removes the requirement that an execution be carried out: (1) at the Indiana state prison; and (2) before sunrise. Adds a pooled media witness to the list of persons authorized to witness an execution. Exempts certain persons from being required to participate in an execution, and requires the department of correction to contract with a psychologist or psychiatrist to make available treatment services to a member of an execution team. Makes conforming amendments and technical corrections.

**Effective:** July 1, 2026.

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## Lucas, Prescott, Bartels, Ireland

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January 5, 2026, read first time and referred to Committee on Courts and Criminal Code.  
January 22, 2026, amended, reported — Do Pass.  
January 27, 2026, read second time, amended, ordered engrossed.

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HB 1119—LS 6521/DI 106





Reprinted  
January 28, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1119

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

1       SECTION 1. IC 35-38-6-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2026]: **Sec. 0.5. (a) As used in this section, "participate in or be**  
4 **in attendance at an execution" includes:**

- 5           (1) personally preparing the convicted person;  
6           (2) personally servicing, preparing, or maintaining equipment  
7           used for the execution; or  
8           (3) supervising the activities of other personnel involved in  
9           carrying out an execution.

10       **(b) The commissioner of the department of correction may not**  
11 **require, as a condition of employment or as a contractual**  
12 **obligation:**

- 13           (1) an employee of; or  
14           (2) a person providing contractual services to;  
15 the department of correction to participate in or be in attendance  
16 at an execution if this is contrary to the moral or religious beliefs  
17 of the employee or person providing contractual services.

HB 1119—LS 6521/DI 106



SECTION 2. IC 35-38-6-1, AS AMENDED BY P.L.56-2023, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) **Except as provided in section 1.5 of this chapter**, the punishment of death shall be ~~inflicted~~ **carried out** by intravenous injection of a lethal substance or substances into the convicted person:

(1) in a quantity sufficient to cause the death of the convicted person; and

(2) until the convicted person is dead.

(b) The death penalty shall be ~~inflicted~~ **carried out before the hour of sunrise** on a date fixed by the sentencing court. However, the execution must not occur until at least one hundred (100) days after the conviction.

(c) The warden of the **appropriate** state prison, or persons designated by the warden, shall designate the person who is to serve as the executioner.

(d) The department of correction may adopt rules under IC 4-22-2 necessary to implement subsection (a).

(e) The department of correction may make and enter into a contract with an outsourcing facility, a wholesale drug distributor (as defined in IC 25-26-14-12), a pharmacy (as defined in IC 25-26-13-2), or a pharmacist (as defined in IC 25-26-13-2) for the issuance or compounding of a lethal substance necessary to carry out an execution by lethal injection. A lethal substance provided to the department of correction under this subsection may be used only for the purpose of carrying out an execution by lethal injection. The issuance or compounding of a lethal substance under this subsection:

(1) does not constitute the practice of pharmacy (as defined in IC 25-26-13-2);

(2) is not subject to the jurisdiction of the Indiana board of pharmacy, the medical licensing board of Indiana, the Indiana department of health, or the Indiana professional licensing agency; and

(3) is exempt from the provisions of IC 25.

A pharmacist, a pharmacy, a wholesale drug distributor, or an outsourcing facility that provides a lethal substance to the department of correction under this subsection shall label the lethal substance with the name of the lethal substance, its dosage, a projected expiration date, and a statement that the lethal substance shall be used only by the department of correction for the purpose of carrying out an execution by lethal injection.

(f) The following are confidential, are not subject to discovery, and



may not be introduced as evidence in any civil or criminal proceeding:

(1) The identity of a person described in subsection (e) that enters into a contract with the department of correction under subsection (e) for the issuance or compounding of lethal substances necessary to carry out an execution by lethal injection.

(2) The identity of an officer, an employee, or a contractor of a person described in subdivision (1).

(3) The identity of a person contracted by a person described in subdivision (1) to obtain equipment or a substance to facilitate the compounding of a lethal substance described in subsection (e).

(4) Information reasonably calculated to lead to the identity of a person described in this subsection, including a:

(A) name;

(B) residential or business address;

(C) residential or office telephone number; and

(D) Social Security number or tax identification number.

This subsection applies retroactively to any request for information, discovery request, or proceeding, no matter when made or initiated.

SECTION 3. IC 35-38-6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) The department of correction may carry out an execution by:**

**(1) lethal injection; or**

**(2) firing squad;**

**as determined by the commissioner of the department of correction.**

**(b) The department of correction shall establish a facility and a protocol for carrying out an execution by firing squad.**

**(c) An execution shall be carried out within the time frame described in section 1(b) of this chapter.**

**(d) An execution by firing squad shall be carried out by a firing squad consisting of three (3) individuals who are selected by the warden of the prison where the execution will be carried out. Each individual shall fire a weapon containing live ammunition. No blanks may be used.**

**(e) The department of correction may adopt rules under IC 4-22-2 necessary to implement this chapter.**

**(f) The following are confidential, are not subject to discovery, and may not be introduced as evidence in any civil or criminal proceeding:**

**(1) The identity of any member of an execution team.**

**(2) The identity of any individual designated as eligible to**



1 serve as a member of an execution team.

2 (3) Information reasonably calculated to lead to the identity  
3 of an individual described in this subsection.

4 (h) The department of correction shall contract with a:

5 (1) psychologist licensed under IC 25-33; or

6 (2) psychiatrist licensed as a physician under IC 25-22.5;

7 having expertise in treating posttraumatic stress disorder to make  
8 mental health services available to a member of an execution team  
9 for treatment of issues resulting from the member's participation  
10 on the execution team. The expenses of treatment shall be paid  
11 from the funds appropriated to the department for state  
12 correctional facilities operations.

13 SECTION 4. IC 35-38-6-2, AS AMENDED BY P.L.67-2017,  
14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2026]: Sec. 2. The court in which a death sentence is ordered  
16 shall issue a warrant to the sheriff within fourteen (14) days of the  
17 sentence:

18 (1) that is under the seal of the court;

19 (2) that contains notice of the conviction and the sentence;

20 (3) that is directed to the warden of the **appropriate** state prison;  
21 and

22 (4) that orders the warden to execute the convicted person at a  
23 specified time and date in the **appropriate** state prison.

24 SECTION 5. IC 35-38-6-3, AS AMENDED BY P.L.67-2017,  
25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2026]: Sec. 3. A sheriff who receives a warrant under section  
27 2 or section 7 of this chapter shall immediately:

28 (1) transport the person to the **appropriate** state prison;

29 (2) deliver the person and the warrant to the warden of the prison;

30 (3) obtain a receipt for the delivery of the person; and

31 (4) deliver the receipt to the clerk of the sentencing court.

32 SECTION 6. IC 35-38-6-4 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The convicted  
34 person shall be confined in ~~the~~ a state prison until the date of the  
35 convicted person's execution. ~~The convicted person may temporarily~~  
36 ~~be held in a maximum security facility for security purposes or during~~  
37 ~~renovation of the state prison.~~ A convicted female shall be confined in  
38 a maximum security women's prison until not more than thirty (30)  
39 days before the date of her execution. A convicted female shall be  
40 segregated from male prisoners after her transfer from the women's  
41 prison.

42 (b) The convicted person's:



- (1) attorney;
- (2) physician;
- (3) relatives;
- (4) friends; and
- (5) spiritual advisor;

may visit the convicted person while the convicted person is confined. The department of correction shall adopt rules, under IC 4-22-2, governing ~~such~~ **these** visits.

SECTION 7. IC 35-38-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. The execution must take place inside the walls of ~~the~~ **an Indiana** state prison in a room arranged for that purpose. The department of correction shall provide the necessary room and ~~appliances~~ **equipment** to carry out the execution as provided in this chapter.

SECTION 8. IC 35-38-6-6, AS AMENDED BY P.L.67-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Only the following persons may be present at the execution:

- (1) The warden of the ~~state~~ prison.
- (2) ~~The person~~ **Persons** designated by the warden of the ~~state~~ prison and any assistants who are necessary to assist in the execution.
- (3) The prison physician.
- (4) One (1) other physician.
- (5) The spiritual advisor of the convicted person.
- (6) The prison chaplain.
- (7) Not more than five (5) friends or relatives of the convicted person who are invited by the convicted person to attend.
- (8) Except as provided in subsection (b), not more than eight (8) of the following members of the victim's immediate family who are at least eighteen (18) years of age:
  - (A) The victim's spouse.
  - (B) One (1) or more of the victim's children.
  - (C) One (1) or more of the victim's parents.
  - (D) One (1) or more of the victim's grandparents.
  - (E) One (1) or more of the victim's siblings.
- (9) **At least one (1) pooled media witness, selected by the department from media organizations that primarily cover the statehouse. A media witness is subject to reasonable security restrictions established by the department.**

(b) If there is more than one (1) victim, not more than eight (8) persons who are members of the victims' immediate families may be



present at the execution. The department shall determine which persons may be present in accordance with procedures adopted under subsection (c).

(c) The department shall develop procedures to determine which family members of a victim may be present at the execution if more than eight (8) family members of a victim desire to be present or if there is more than one (1) victim. Upon the request of a family member of a victim, the department shall establish a support room for the use of:

(1) an immediate family member of the victim described in subsection (a)(8) who is not selected to be present at the execution; and

(2) a person invited by an immediate family member of the victim described in subsection (a)(8) to offer support to the immediate family member.

(d) The warden of the ~~state~~ prison may exclude a person from viewing the execution if the warden determines that the presence of the person would threaten the safety or security of the ~~state~~ prison and sets forth this determination in writing.

(e) The department of correction:

(1) shall keep confidential the identities of persons who assist the warden of the ~~state~~ prison in an execution; and

(2) may:

(A) classify as confidential; and

(B) withhold from the public;

any part of a document relating to an execution that would reveal the identity of a person who assists the warden in the execution.

SECTION 9. IC 35-38-6-7, AS AMENDED BY P.L.67-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) If the convicted person:

(1) escapes from custody before the date set for execution; and

(2) is recaptured before the date set for execution;

the convicted person shall be confined and executed according to the terms of the warrant.

(b) If the convicted person:

(1) escapes from custody before delivery to the warden of the **appropriate** state prison; and

(2) is recaptured after the date set for execution;

any person may arrest and commit the convicted person to the jail of the county in which the convicted person was sentenced. The sheriff shall notify the sentencing court of the recapture, and the court shall fix a new date for the execution. The new execution date must not be less





1 than thirty (30) nor more than sixty (60) days after the recapture of the  
 2 person. The court shall issue a new warrant in the form prescribed by  
 3 section 2 of this chapter.

4 (c) If the convicted person:

5 (1) escapes from confinement; and

6 (2) is recaptured after the date set for execution;

7 any person may arrest and commit the convicted person to the  
 8 department of correction. When the convicted person is returned to the  
 9 department of correction or a facility or place designated by the  
 10 department of correction, the department shall notify the sentencing  
 11 court, and the court shall fix a new date for the execution. The new  
 12 execution date must not be less than thirty (30) nor more than sixty (60)  
 13 days after the recapture of the person. The court shall issue a warrant  
 14 to the department of correction directing the ~~superintendent~~ **warden** of  
 15 the **appropriate** state prison to execute the convicted person at a  
 16 specified time and date in the ~~state~~ prison.

17 SECTION 10. IC 35-38-6-10, AS AMENDED BY P.L.67-2017,  
 18 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2026]: Sec. 10. If the physician of the ~~state~~ prison **where a**  
 20 **condemned woman is scheduled to be executed**, and one (1) other  
 21 physician, certify in writing to the warden of the ~~state~~ prison and the  
 22 sentencing court that ~~a~~ **the** condemned woman is pregnant, the warden  
 23 shall suspend the execution of the sentence. When the ~~state~~ prison  
 24 physician and one (1) other physician certify in writing to the warden  
 25 of the ~~state~~ prison and the sentencing court that the woman is no longer  
 26 pregnant, the sentencing court shall immediately fix a new execution  
 27 date.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1119, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-38-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 0.5. (a) As used in this section, "participate in or be in attendance at an execution" includes:**

- (1) personally preparing the convicted person;**
- (2) personally servicing, preparing, or maintaining equipment used for the execution; or**
- (3) supervising the activities of other personnel involved in carrying out an execution.**

**(b) The commissioner of the department of correction may not require, as a condition of employment or as a contractual obligation:**

- (1) an employee of; or**
- (2) a person providing contractual services to;**

**the department of correction to participate in or be in attendance at an execution if this is contrary to the moral or religious beliefs of the employee or person providing contractual services."**

Page 3, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 2. IC 35-38-6-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) The department of correction may carry out an execution by:**

- (1) lethal injection;**
- (2) firing squad; or**
- (3) nitrogen hypoxia;**

**as determined by the commissioner of the department of correction.**

**(b) The department of correction shall establish a facility and a protocol for carrying out an execution by firing squad.**

**(c) The department of correction shall establish a facility and a protocol for carrying out an execution by nitrogen hypoxia.**

**(d) An execution shall be carried out within the time frame described in section 1(b) of this chapter.**

**(e) An execution by firing squad shall be carried out by a firing squad consisting of three (3) individuals who are selected by the**



warden of the prison where the execution will be carried out. Each individual shall fire a weapon containing live ammunition. No blanks may be used.

(f) The department of correction may adopt rules under IC 4-22-2 necessary to implement this chapter.

(g) The following are confidential, are not subject to discovery, and may not be introduced as evidence in any civil or criminal proceeding:

- (1) The identity of any member of an execution team.
- (2) The identity of any individual designated as eligible to serve as a member of an execution team.
- (3) Information reasonably calculated to lead to the identity of an individual described in this subsection."

Page 4, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1119 as introduced.)

MCNAMARA

Committee Vote: yeas 8, nays 5.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1119 be amended to read as follows:

Page 4, between lines 6 and 7, begin a new paragraph and insert:

**"(h) The department of correction shall contract with a:**

- (1) psychologist licensed under IC 25-33; or**
- (2) psychiatrist licensed as a physician under IC 25-22.5;**

**having expertise in treating posttraumatic stress disorder to make mental health services available to a member of an execution team for treatment of issues resulting from the member's participation on the execution team. The expenses of treatment shall be paid from the funds appropriated to the department for state correctional facilities operations."**

(Reference is to HB 1119 as printed January 22, 2026.)

GARCIA WILBURN

HB 1119—LS 6521/DI 106



HOUSE MOTION

Mr. Speaker: I move that House Bill 1119 be amended to read as follows:

Page 5, between lines 30 and 31, begin a new line block indented and insert:

**"(9) At least one (1) pooled media witness, selected by the department from media organizations that primarily cover the statehouse. A media witness is subject to reasonable security restrictions established by the department."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1119 as printed January 22, 2026.)

ZIMMERMAN

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1119 be amended to read as follows:

Page 3, line 23, after "injection;" insert "**or**".

Page 3, line 24, delete "or".

Page 3, delete line 25.

Page 3, delete lines 30 through 31.

Page 3, line 32, delete "(d)" and insert "**(c)**".

Page 3, line 34, delete "(e)" and insert "**(d)**".

Page 3, line 39, delete "(f)" and insert "**(e)**".

Page 3, line 41, delete "(g)" and insert "**(f)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1119 as printed January 22, 2026.)

ZIMMERMAN

