

## HOUSE BILL No. 1287

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-6.

**Synopsis:** Execution of death sentence. Requires the warden of the state prison to select an execution team consisting of members of the general assembly who have volunteered to serve on the execution team. Prohibits a person who is not a member of the general assembly from serving on an execution team, and provides that an execution may not be carried out until the execution team is fully staffed. Specifies that the name of a member of the general assembly who: (1) volunteers to serve on an execution team; or (2) serves on an execution team; is a public record.

**Effective:** Upon passage.

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**Morris, Judy**

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January 6, 2026, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

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. 1287

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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 35-38-6-1, AS AMENDED BY P.L.56-2023,  
2 SECTION 322, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The punishment of death  
4 shall be inflicted by intravenous injection of a lethal substance or  
5 substances into the convicted person:

6 (1) in a quantity sufficient to cause the death of the convicted  
7 person; and  
8 (2) until the convicted person is dead.

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

12 (c) The warden of the state prison ~~or persons designated by the~~  
13 ~~warden~~, shall ~~designate the person who is to serve as the executioner~~  
14 ~~determine the number of individuals necessary to make up the~~  
15 ~~execution team, and select the execution team from those members~~  
16 ~~of the general assembly who have volunteered to serve on the~~  
17 ~~execution team. A person who is not a member of the general~~



**assembly may not serve on an execution team.**

(d) A member of the general assembly who wishes to serve on an execution team shall submit the member's name in writing, along with any relevant qualifications or experience, to the presiding officer of the appropriate chamber of the general assembly, who shall transmit the names to the commissioner of the department of correction.

(e) An execution may not be carried out until the execution team:

- (1) is fully staffed; and**
- (2) has been trained and certified to carry out the execution protocol by the department of correction.**

**The commissioner of the department of correction shall establish the training and certification requirements under this subsection.**

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

(e) (g) 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) (h) 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) subsection (g) that enters into a contract with the department of correction under subsection (e) subsection (g) 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) subsection (g).

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

- (1) The warden of the state prison.
- (2) The person designated by the warden of the state prison and any assistants who are necessary to assist in the execution execution team.
- (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.

- (b) If there is more than one (1) victim, not more than eight (8)



1 persons who are members of the victims' immediate families may be  
2 present at the execution. The department shall determine which persons  
3 may be present in accordance with procedures adopted under  
4 subsection (c).

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

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

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

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

21 (e) The department of correction:

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

24 (2) may:

25 (A) classify as confidential; and

26 (B) withhold from the public;

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

29 (e) The name of a member of the general assembly:

30 (1) appointed to an execution team; or

31 (2) who has offered to serve on an execution team;

32 is a public record under IC 5-14-3.

33 SECTION 3. An emergency is declared for this act.

