

SENATE BILL No. 11

AM001107 has been incorporated into introduced printing.

Synopsis: Firing squad.

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2026

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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.

SENATE BILL No. 11

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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 JULY 1, 2026]: Sec. 1. (a) **Except as provided in**
4 **section 1.5 of this chapter**, the punishment of death shall be **inflicted**
5 **carried out** by intravenous injection of a lethal substance or substances
6 into the convicted person:
7 (1) in a quantity sufficient to cause the death of the convicted
8 person; and
9 (2) until the convicted person is dead.
10 (b) The death penalty shall be **inflicted before the hour of sunrise**
11 **carried out** on a date fixed by the sentencing court. However, the
12 execution must not occur until at least one hundred (100) days after the
13 conviction.
14 (c) The warden of the **appropriate** state prison, or persons
15 designated by the warden, shall designate the person who is to serve as

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1 the executioner.

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

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

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

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

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

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

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

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

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

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

40 (4) Information reasonably calculated to lead to the identity of a
41 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 35-38-6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) The following definitions apply throughout this section:**

(1) "Approved execution method" means a method of execution that:

(A) was authorized for use in any state on January 1, 2026, except for:

(i) hanging;

(ii) electrocution; or

(iii) a method that involves the administration of a gas; and

(B) is approved by the governor.

(2) "Commissioner" includes the chief executive officer of a federal agency that is authorized to conduct an execution in Indiana.

(3) "Department of correction" or "department" includes a federal agency that is authorized to conduct an execution in Indiana.

(4) "Rules under IC 4-22-2" include rules or regulations adopted by a federal agency under federal rulemaking authority.

(b) Subject to the requirements of this section, the department of correction may carry out an execution by an approved execution method if the commissioner of the department of correction determines that execution by an approved execution method is advisable in light of availability considerations and the resources of the department.

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

(d) The department of correction may not carry out an execution by an approved execution method until it has established a room and a protocol for execution by the approved execution method.

(e) An execution by an approved execution method shall be carried out in accordance with a protocol established by the

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1 **department. However, only individuals who have volunteered to**
 2 **carry out the execution may participate in the execution.**

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

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

- 8 **(1) The identity of any member of an execution team.**
- 9 **(2) The identity of any individual designated as eligible to**
 10 **serve as a member of an execution team, or who has**
 11 **volunteered to serve as a member of an execution team.**
- 12 **(3) Information reasonably calculated to lead to the identity**
 13 **of an individual described in this subsection.**

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

- 19 (1) that is under the seal of the court;
- 20 (2) that contains notice of the conviction and the sentence;
- 21 (3) that is directed to the warden of the **appropriate** state prison;
 22 and
- 23 (4) that orders the warden to execute the convicted person at a
 24 specified time and date in the **appropriate** state prison.

25 SECTION 3. IC 35-38-6-3, AS AMENDED BY P.L.67-2017,
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2026]: Sec. 3. A sheriff who receives a warrant under section
 28 2 or section 7 of this chapter shall immediately:

- 29 (1) transport the person to the **appropriate** state prison;
- 30 (2) deliver the person and the warrant to the warden of the
 31 prison;
- 32 (3) obtain a receipt for the delivery of the person; and
- 33 (4) deliver the receipt to the clerk of the sentencing court.

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



1 prison.

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

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

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

21 (1) The warden of the ~~state~~ prison.
22 (2) ~~The person~~ **Persons** designated by the warden of the ~~state~~
23 prison and any assistants who are necessary to assist in the
24 execution.
25 (3) The prison physician.
26 (4) One (1) other physician.
27 (5) The spiritual advisor of the convicted person.
28 (6) The prison chaplain.
29 (7) Not more than five (5) friends or relatives of the convicted
30 person who are invited by the convicted person to attend.
31 (8) Except as provided in subsection (b), not more than eight (8)
32 of the following members of the victim's immediate family who
33 are at least eighteen (18) years of age:
34 (A) The victim's spouse.
35 (B) One (1) or more of the victim's children.
36 (C) One (1) or more of the victim's parents.
37 (D) One (1) or more of the victim's grandparents.
38 (E) One (1) or more of the victim's siblings.
39 (b) If there is more than one (1) victim, not more than eight (8)
40 persons who are members of the victims' immediate families may be
41 present at the execution. The department shall determine which persons

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1 may be present in accordance with procedures adopted under
2 subsection (c).

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

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

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

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

19 (e) The department of correction:

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

22 (2) may:

23 (A) classify as confidential; and

24 (B) withhold from the public;

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

27 SECTION 7. IC 35-38-6-7, AS AMENDED BY P.L.67-2017,

28 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2026]: Sec. 7. (a) If the convicted person:

30 (1) escapes from custody before the date set for execution; and
31 (2) is recaptured before the date set for execution;

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

34 (b) If the convicted person:

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

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

38 any person may arrest and commit the convicted person to the jail of
39 the county in which the convicted person was sentenced. The sheriff
40 shall notify the sentencing court of the recapture, and the court shall fix
41 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 8. 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.

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