

CHAPTER 23**LETHAL INJECTION****Authority**

N.J.S.A. 30:1B-6, 30:1B-10, 2C:11-3 and 2C:49-1 et seq.

Source and Effective Date

R.2001 d.315, effective August 9, 2001.
See: 33 N.J.R. 2012(a), 33 N.J.R. 2991(a).

Chapter Expiration Date

Chapter 23, Lethal Injection, expires on August 9, 2006.

Chapter Historical Note

Chapter 23, Lethal Injection, was adopted as R.1992 d.283, effective July 6, 1992. See: 24 N.J.R. 1677(a), 24 N.J.R. 2452(a).

Subchapter 2, Lethal Injection, was originally adopted as part of R.1987 d.160, effective April 6, 1987, and codified at N.J.A.C. 10A:16-10. See: 18 N.J.R. 1662(a), 19 N.J.R. 535(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Lethal Injection, was readopted as R.1996 d.530, effective October 24, 1996. See: 28 N.J.R. 4157(a), 28 N.J.R. 4875(a).

Chapter 23, Lethal Injection, was readopted as R.2001 d.315, effective August 9, 2001. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. INTRODUCTION**10A:23-1.1 Purpose**

The purpose of this chapter is to establish guidelines in accordance with the provisions of N.J.S.A. 2C:49-1 et seq. for executing persons sentenced to death pursuant to N.J.S.A. 2C:11-3.

Amended by R.2001 d.315, effective September 4, 2001.

See: 33 N.J.R. 2012(a), 33 N.J.R. 2991(a).

Inserted "in accordance with the provisions of N.J.S.A. 2C:49-1 et seq." following "to establish guidelines".

10A:23-1.2 Scope

This chapter shall be applicable to the New Jersey Department of Corrections.

10A:23-1.3 Definitions

The following terms, when used in this chapter, shall have the following meanings:

"Capital Sentence Unit (C.S.U.);" means the close custody unit to which persons sentenced to death pursuant to N.J.S.A. 2C:11-3 are assigned until such time that the person is placed into an isolated holding unit preceding the scheduled date of execution, or the sentence is commuted or changed to a lesser penalty.

"Immediate family" means:

1. Spouse;
2. Parent;
3. Stepparent;
4. Legal guardian;
5. Grandparent;
6. Child; or
7. Sibling.

Amended by R.1996 d.530, effective November 18, 1996.

See: 28 N.J.R. 4157(a), 28 N.J.R. 4875(a).

Amended by R.2001 d.315, effective September 4, 2001.

See: 33 N.J.R. 2012(a), 33 N.J.R. 2991(a).

In "Capital Sentence Unit (C.S.U.);", inserted "person is placed into an isolated holding unit preceding the scheduled date of" preceding "execution" and deleted "is carried out" preceding "or the sentence is commuted"; rewrote "Immediate family".

SUBCHAPTER 2. LETHAL INJECTION**10A:23-2.1 Place for execution**

(a) The Commissioner shall provide and maintain a suitable and efficient unit enclosed from public view, within the

confines of a designated New Jersey State prison for the imposition of the punishment of death.

(b) The State prison shall contain the apparatus and equipment necessary for the carrying out of executions pursuant to N.J.S.A. 2C:11-3.

Amended by R.1996 d.530, effective November 18, 1996.

See: 28 N.J.R. 4157(a), 28 N.J.R. 4875(a).

Amended by R.2001 d.315, effective September 4, 2001.

See: 33 N.J.R. 2012(a), 33 N.J.R. 2991(a).

In (a), substituted "a designated" for "the" preceding "New Jersey" and substituted "of" for "for" preceding "the punishment of death"; in (b), deleted "New Jersey".

10A:23-2.2 Provisions of services preceding execution

(a) Within seven days preceding the scheduled date of execution, the person sentenced to death shall be placed in an isolated holding unit at a State prison to be designated by the Commissioner or designee. During this isolation period, only the following persons authorized pursuant to N.J.S.A. 2C:49-6 and approved in accordance with State prison internal management procedures regarding security shall have access to the person sentenced to death:

1. Custody staff members and correction officials;
2. Immediate family of the person sentenced to death as defined in N.J.A.C. 10A:23-1.3;
3. Counsel of the inmate;
4. Person(s) authorized by court order; and
5. Upon request from the person sentenced to death, a clergy or a member of the press.

(b) During the 72 hour period immediately preceding execution of the person sentenced to death, the services listed below shall be provided in accordance with the following procedures:

1. Clergical:
 - i. The prison chaplain or the inmate's private clergy shall, upon request of the person sentenced to death, make contact visits to the person on a daily basis to provide pastoral services. The time and duration of clergy visits shall be at the discretion of the Administrator of the State prison;
 - ii. Clergy from the community must present appropriate clerical credentials to the Administrator and pass a routine security check; and
 - iii. The prison chaplain or private clergy may accompany the person sentenced to death to the execution chamber corridor if so requested by the person.
2. Food:

- i. At least 24 hours in advance of the scheduled execution, the person sentenced to death may request the food of his or her choice to be served at the last regularly scheduled dinner, not less than eight hours prior to the execution. Such request shall be granted subject to reasonable availability and cost of the food desired; and

- ii. Alcoholic beverages are prohibited.

3. Visits:

- i. Window visits by immediate family members, up to a maximum of six hours per day and two persons at a time shall be permitted;

- ii. Contact visits by the authorized attorney of record shall be permitted daily, subject to security requirements of the State prison, including prior notice to the Administrator.

- iii. All contact with family members and attorney(s) shall terminate three hours prior to the time scheduled for administration of the pre-execution sedative; and

- iv. During the last 72 hours there shall be no contact of any kind permitted between the person sentenced to death and any member of the news media.

4. Telephone calls:

- i. The person sentenced to death may place daily telephone calls to members of his or her family, subject to appropriate scheduling procedures and the State prison rules; and

- ii. The person sentenced to death may place collect telephone calls to his or her attorney-of-record when the telephone calls are necessary.

5. Recreation:

- i. During the 72 hours preceding execution, recreation shall be permitted daily on an individual, isolated basis, if feasible.

6. Personal property:

- i. The person sentenced to death shall be required to fill out a form indicating disposition of his or her personal property and saving account(s), except for such funds as may be needed to provide for burial expenses.

Administrative correction, effective January 27, 1989.

See: 21 N.J.R. 558(a).

Institutional name change.

Amended by R.1996 d.530, effective November 18, 1996.

See: 28 N.J.R. 4157(a), 28 N.J.R. 4875(a).

Amended by R.2001 d.315, effective September 4, 2001.

See: 33 N.J.R. 2012(a), 33 N.J.R. 2991(a).

Rewrote the section.