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

"17-10-38. (Index)

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

(b) In all cases in which the defendant is sentenced to be electrocuted, it shall be the duty of the trial judge in passing sentence to direct that the defendant be delivered to the Department of Corrections for electrocution at a state correctional institution designated by the department."

SECTION 3.

Said article is further amended by striking in its entirety Code Section 17-10-44, relating to death chamber apparatus and related matters, and inserting in lieu thereof the following:

"17-10-44. (Index)

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

SECTION 4.

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

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.