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## Criminal Procedure; Death Penalty-Lethal Injection

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must be made to the district court.<sup>5</sup>

Furthermore, prior law provided that the Governor was required to approve or deny a request for the temporary custody of a prisoner filed by the appropriate officer of the demanding state pursuant to the Agreement on Detainers.<sup>6</sup> With the enactment of Chapter 238, approval by the Governor is no longer required.<sup>7</sup>

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5. *Id.* §179.197(2) (amended by 1983 Nev. Stat. c. 238, §2, at 539); *see also* *Dromiack v. Warden*, 97 Nev. 348, 630 P.2d 751 (1981), *Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980); *Grego v. Sheriff*, 94 Nev. 48, 574 P.2d 275 (1978) (the Nevada Supreme Court has allowed other types of procedural restrictions on writs of habeas corpus so long as the efficacy of the writ is not destroyed); NEV. RULES APP. PROC. 22.

6. 1971 Nev. Stat. c. 357, §4, at 645 (enacting NEV. REV. STAT. §178.640); NEV. REV. STAT. §178.620 (the Agreement on Detainers). *See generally* CAL. PENAL CODE §1389 (compilation of party states to the Agreement on Detainers and their complementary laws).

7. *Compare* NEV. REV. STAT. §178.640 (amended by 1983 Nev. Stat. c. 238, §1, at 539) with 1971 Nev. Stat. c. 357, §4, at 645 (enacting NEV. REV. STAT. §178.640(1)).

## Criminal Procedure; death penalty—lethal injection

NEV. REV. STAT. §§176.355, 454.213, 454.221 (amended)  
SB 109 (Glasser); 1983 STAT. Ch 601

Prior to the enactment of Chapter 601, the authorized method of inflicting the death penalty was by the administration of lethal gas.<sup>1</sup> Chapter 601 changes this method to a lethal injection of drugs or a combination of drugs<sup>2</sup> selected by the Director of the Department of Prisons (hereinafter referred to as Director).<sup>3</sup> Under Chapter 601, the Director is required to consult with the State Health Officer before deciding which drugs will be used for the execution.<sup>4</sup>

Chapter 601 retains existing provisions that require the Director to (1) attend the execution,<sup>5</sup> (2) invite a competent physician to attend the execution,<sup>6</sup> and (3) invite no fewer than six reputable citizens over the age of twenty-one years to attend the execution.<sup>7</sup> The Director, however, may not invite more than nine of these citizens to witness the

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1. 1977 Nev. Stat. c. 430, §69, at 860 (amending NEV. REV. STAT. §176.355).

2. *See generally* *More Humane? First Execution by Injection*, A.B.A. J. 143, 143 (1983) (as of February 1983, Idaho, New Mexico, Oklahoma, Texas and Washington have laws specifying execution by lethal injection); Conlon, *Death Row Prisoners Ask For Ban on Drug Executions*, L.A. Daily J., Jan. 7, 1981, at 2, col. 5.

3. NEV. REV. STAT. §176.355(1)-(2) (amended by 1983 Nev. Stat. c. 601, §1, at 1937).

4. *Id.* §176.355(2) (amended by 1983 Nev. Stat. c. 601, §1(2), at 1937).

5. *Id.*

6. *Id.* §176.355(2)(c) (amended by 1983 Nev. Stat. c. 601, §1(2), at 1937).

7. *Id.*

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execution.<sup>8</sup> Any person who has not been invited specifically by the Director may not witness the execution.<sup>9</sup> Finally, Chapter 601 provides that execution by lethal injection must take place at the state prison.<sup>10</sup>

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8. Compare *id.* with 1977 Nev. Stat. c. 430, §69, at 860 (amending NEV. REV. STAT. §176.355).

9. *Id.* §176.355(4) (amended by 1983 Nev. Stat. c. 601, §1(4), at 1937).

10. NEV. REV. STAT. §176.355(3) (amended by 1983 Nev. Stat. c. 601, §1(3), at 1937).