



## ARKANSAS SENTENCING COMMISSION

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### **Impact Assessment for HB1489** **Sponsored by Representative Wardlaw**

**Subtitle** TO AMEND THE METHOD OF EXECUTION TO INCLUDE NITROGEN GAS

**Impact Summary**<sup>1</sup> Cannot be determined. Available data does not provide a cost for either the current method of execution or the one proposed in this bill.

**Change from Current Law**<sup>2</sup> Amends Title 5 of Arkansas Code Annotated (A.C.A.) § 5-4-617, Method of execution. Under the proposed bill, language is added to A.C.A. § 5-4-617, Method of execution, that includes nitrogen gas as a method for the Division of Correction to carry out a sentence of death. Under current law, the only method of execution in A.C.A. § 5-4-617, Method of execution, is intravenous lethal injection.

**Impact Information** The proposed bill expands the method of execution to include nitrogen gas.

The Division of Correction (ADC) reports that there are currently twenty-six (26) offenders serving a sentence of death. All twenty-six (26) offenders have been convicted of a violation of A.C.A. § 5-10-101, Capital murder.

The proposed bill amends the method of execution to include nitrogen gas. The Department of Corrections has not performed an execution since 2017, so recent data on the cost of execution via lethal injection does not exist. In addition, the first execution via nitrogen gas occurred in January of 2024, making determination of a cost for the new method of execution difficult to ascertain. For this reason, the proposed impact on correctional resources cannot be determined.

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<sup>1</sup> This impact assessment was prepared 2/19/2025 11:06 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500