

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2237
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 99-19-51, MISSISSIPPI CODE OF 1972,
2 TO PROTECT THE IDENTITIES OF ALL INDIVIDUALS AND ENTITIES WHO
3 COMPRISE THE EXECUTION TEAM, INCLUDING, BUT NOT LIMITED TO,
4 CERTAIN SUPPLIERS OF LETHAL INJECTION CHEMICALS; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 99-19-51, Mississippi Code of 1972, is
8 amended as follows:

9 99-19-51. (1) The manner of inflicting the punishment of
10 death shall be by continuous intravenous administration of a
11 lethal quantity of an ultra short-acting barbiturate or other
12 similar drug in combination with a chemical paralytic agent until
13 death is pronounced by the county coroner where the execution
14 takes place or by a licensed physician according to accepted
15 standards of medical practice.

16 (2) The Commissioner of the Department of Corrections shall
17 select an execution team to assist the executioner and his
18 deputies. This team, including the state executioner and his
19 deputies who are responsible for the administration of lethal



20 chemicals, shall consist of those persons, such as medical
21 personnel, who provide direct support for the administration of
22 lethal chemicals. This team shall also include those individuals
23 involved in assisting in the execution in any capacity, as well as
24 those personnel assigned to specific duties related to an
25 execution.

26 For the purposes of this section, "supplier of lethal
27 injection chemicals" means a supplier or suppliers of lethal
28 injection chemicals located within the State of Mississippi.

29 The identities of all members of the execution team, a
30 supplier of lethal injection chemicals, and the identities of
31 those witnesses listed in Section 99-19-55(2) who attend as
32 members of the victim's or the condemned person's immediate family
33 shall at all times remain confidential, and the information is
34 exempt from disclosure under the provisions of the Mississippi
35 Public Records Act of 1983.

36 Notwithstanding any provision of law to the contrary, any
37 portion of any record of any kind that could identify a person as
38 being a current or former member of an execution team or a current
39 or former supplier of lethal injection chemicals, or those
40 witnesses listed in Section 99-19-55(2), shall be privileged and
41 shall only be subject to discovery, subpoena, or other means of
42 legal compulsion for disclosure by order of a court of competent
43 jurisdiction, and the remainder of the record shall not be
44 privileged or closed unless protected from disclosure by law.



45 A person may not knowingly disclose the identity of a current
46 or former member of an execution team, a current or former
47 supplier of lethal injection chemicals, or witness who wishes to
48 remain confidential, or disclose any record of any kind knowing
49 that it could identify a person as being a current or former
50 member of an execution team, current or former supplier of lethal
51 injection chemicals or confidential witness. Any person whose
52 identity is disclosed in violation of this section shall:

53 (a) Have a civil cause of action against a person who
54 violates this section;

55 (b) Be entitled to recover from any such person:

56 (i) Actual damages; and

57 (ii) Punitive damages on a showing of a willful
58 violation of this section.

59 Notwithstanding any provision of law to the contrary, if a
60 member of the execution team or supplier of lethal injection
61 chemicals is licensed by a board or department, the licensing
62 board or department shall not censure, reprimand, suspend, revoke,
63 or take any other disciplinary action against the person's license
64 because the person participated in a lawful execution. Any person
65 or institution assisting with or participating in carrying out an
66 execution in accordance with this statute shall be presumed to be
67 acting in good faith. Any person or institution acting in good
68 faith in connection with carrying out an execution shall be immune
69 from any liability, civil or criminal, that might otherwise be



70 incurred or imposed. All members of the execution team perform
71 their respective functions as official duties on behalf of the
72 state or any agency of the state. A supplier of lethal injection
73 chemicals located within the State of Mississippi shall also be
74 considered part of this execution team.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after its passage.

