

Senate Amendments to House Bill No. 638

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

5 **SECTION 1.** Section 99-19-51, Mississippi Code of 1972, is
6 amended as follows:
7 99-19-51. (1) The manner of inflicting the punishment of
8 death shall be by * * * the sequential intravenous administration
9 of a lethal quantity of * * * the following combination * * * of
10 substances: (a) an appropriate anesthetic or sedative; (b) a
11 chemical paralytic agent; and (c) potassium chloride, or other
12 similarly effective substance, until death is pronounced by the
13 county coroner where the execution takes place or by a licensed
14 physician according to accepted standards of medical practice. As
15 used in this section, the term "appropriate anesthetic or
16 sedative" means any substance that, if properly administered in a
17 sufficient quantity, is likely to render the condemned inmate
18 unconscious, so that the execution process should not entail a
19 substantial risk of severe pain.
20 (2) If the method of execution authorized in subsection (1) of
21 this section is held unconstitutional by a court of competent

22 jurisdiction or is otherwise unavailable, then the sentence of death
23 shall be carried out by nitrogen hypoxia.

24 (3) If the methods of execution authorized in subsections (1)
25 and (2) of this section are held unconstitutional by a court of
26 competent jurisdiction or are otherwise unavailable, then the
27 sentence of death shall be carried out by electrocution.

28 (4) The Commissioner of Corrections has the authority and
29 discretion to select and obtain the substances and the means
30 necessary to carry out an execution, and may adopt and promulgate
31 rules and regulations as the commissioner deems necessary to
32 administer and implement the provisions of this section.

33 (* * *5) (a) The Commissioner * * * of Corrections shall
34 select an execution team to assist the executioner and his
35 deputies. This team, including the State Executioner and his
36 deputies who are responsible for the administration of lethal
37 chemicals, shall consist of those persons, such as medical
38 personnel, who provide direct support for the administration of
39 lethal chemicals. This team shall also include those individuals
40 involved in assisting in the execution in any capacity, as well as
41 those personnel assigned to specific duties related to an
42 execution.

43 (b) For the purposes of this section, "supplier of
44 lethal injection chemicals" means a supplier or suppliers of
45 lethal injection chemicals located within the State of
46 Mississippi.

47 (c) The identities of all members of the execution
48 team, a supplier of lethal injection chemicals, and the identities
49 of those witnesses listed in Section 99-19-55(2) who attend as
50 members of the victim's or the condemned person's immediate family
51 shall at all times remain confidential, and the information is
52 exempt from disclosure under the provisions of the Mississippi
53 Public Records Act of 1983.

54 (6) Notwithstanding any provision of law to the contrary,
55 any portion of any record of any kind that could identify a person
56 as being a current or former member of an execution team or a
57 current or former supplier of lethal injection chemicals, or those
58 witnesses listed in Section 99-19-55(2) who attend as members of
59 the victim's or the condemned person's immediate family, shall at
60 all times be confidential, exempt, and protected from disclosure,
61 but the remainder of the record shall not be protected unless
62 otherwise provided by law. A court shall preserve the secrecy of
63 all confidential and exempt information described in this section
64 by reasonable means, which may include granting protective orders,
65 holding in-camera hearings, sealing the records of the action, and
66 ordering any person involved in the litigation not to disclose
67 such information without prior court approval.

68 (7) Notwithstanding any provision of law to the contrary, if
69 a member of the execution team or supplier of lethal injection
70 chemicals is licensed by a board or department, the licensing
71 board or department shall not censure, reprimand, suspend, revoke,
72 or take any other disciplinary action against the person's license

73 because the person participated in a lawful execution. Any person
74 or institution assisting with or participating in carrying out an
75 execution in accordance with this statute shall be presumed to be
76 acting in good faith. Any person or institution acting in good
77 faith in connection with carrying out an execution shall be immune
78 from any liability, civil or criminal, that might otherwise be
79 incurred or imposed. All members of the execution team perform
80 their respective functions as official duties on behalf of the
81 state or any agency of the state.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 99-19-51, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE METHODS BY WHICH THE DEATH PENALTY MAY BE CARRIED
3 OUT; AND FOR RELATED PURPOSES.

SS01\HB638A.J

Liz Welch
Secretary of the Senate