

By: Representative Fleming

To: Judiciary En Banc

HOUSE BILL NO. 138

1 AN ACT TO AMEND SECTIONS 99-19-51 AND 99-19-55, MISSISSIPPI  
2 CODE OF 1972, TO REMOVE THE REQUIREMENT THAT LICENSED PHYSICIANS  
3 PARTICIPATE IN ADMINISTERING AN EXECUTION; AND FOR RELATED  
4 PURPOSES.

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

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

8 99-19-51. The manner of inflicting the punishment of death  
9 shall be by continuous intravenous administration of a lethal  
10 quantity of an ultra short-acting barbiturate or other similar  
11 drug in combination with a chemical paralytic agent until death is  
12 pronounced by the county coroner where the execution takes  
13 place \* \* \*.

14 **SECTION 2.** Section 99-19-55, Mississippi Code of 1972, is  
15 amended as follows:

16 99-19-55. (1) Whenever any person shall be condemned to  
17 suffer death for any crime for which such person shall have been  
18 convicted in any court of any county of this state, such  
19 punishment shall be inflicted at 6:00 p.m. or as soon as possible  
20 thereafter within the next twenty-four (24) hours at an  
21 appropriate place designated by the Commissioner of Corrections on  
22 the premises of the Mississippi State Penitentiary at Parchman,  
23 Mississippi. All male persons convicted of a capital offense  
24 wherein the death sentence has been imposed shall be immediately  
25 committed to the Department of Corrections and transported to the  
26 maximum security cell block at the Mississippi State Penitentiary  
27 at Parchman, Mississippi. When the maximum inmate capacity at  
28 such maximum security cell block has been reached, the

29 Commissioner of Corrections shall place such male convicts in an  
30 appropriate facility on the grounds of the Mississippi State  
31 Penitentiary at Parchman, Mississippi. All female persons  
32 convicted of a capital offense wherein the death sentence has been  
33 imposed shall be immediately committed to the Department of  
34 Corrections and housed in an appropriate facility designated by  
35 the Commissioner of Corrections. Upon final affirmance of the  
36 conviction, the punishment shall be imposed in the manner provided  
37 by law. The State Executioner or his duly authorized deputy shall  
38 supervise and perform such execution.

39 (2) When a person is sentenced to suffer death in the manner  
40 provided by law, it shall be the duty of the clerk of the court to  
41 deliver forthwith to the Commissioner of Corrections a warrant for  
42 the execution of the condemned person. It shall be the duty of  
43 the commissioner forthwith to notify the State Executioner of the  
44 date of the execution and it shall be the duty of the said State  
45 Executioner, or any person deputized by him in writing, in the  
46 event of his physical disability, as hereinafter provided, to be  
47 present at such execution, to perform the same, and have general  
48 supervision over said execution. In addition to the above  
49 designated persons, the Commissioner of Corrections shall secure  
50 the presence at such execution of the sheriff, or his deputy, of  
51 the county of conviction, \* \* \* the county coroner where the  
52 execution takes place, and bona fide members of the press, not to  
53 exceed eight (8) in number, and at the request of the condemned,  
54 such ministers of the gospel, not exceeding two (2), as said  
55 condemned person shall name. The Commissioner of Corrections  
56 shall also name to be present at the execution such officers or  
57 guards as may be deemed by him to be necessary to insure proper  
58 security. No other persons shall be permitted to witness the  
59 execution, except the commissioner may permit two (2) members of  
60 the condemned person's immediate family as witnesses, if they so  
61 request and two (2) members of the victim's immediate family as

62 witnesses, if they so request. Provided further, that the  
63 Governor may, for good cause shown, permit two (2) additional  
64 persons of good and reputable character to witness an execution.  
65 No person shall be allowed to take photographs or other recordings  
66 of any type during the execution. The absence of the sheriff, or  
67 deputy, after due notice to attend, shall not delay the execution.

68 (3) The State Executioner, or his duly authorized  
69 representative, the Commissioner of Corrections, or his duly  
70 authorized representative, and the \* \* \* county coroner who  
71 witnessed such execution shall prepare and sign officially a  
72 certificate setting forth the time and place thereof and that such  
73 criminal was then and there executed in conformity to the sentence  
74 of the court and the provisions of Sections 99-19-51 through  
75 99-19-55, and shall procure the signatures of the other public  
76 officers and persons who witnessed such execution, which  
77 certificate shall be filed with the clerk of the court where the  
78 conviction of the criminal was had, and the clerk shall subjoin  
79 the certificate to the record of the conviction and sentence.

80 (4) The body of the person so executed shall be released  
81 immediately by the State Executioner, or his duly authorized  
82 representative, to the relatives of the dead person, or to such  
83 friends as may claim the body. The Commissioner of Corrections  
84 shall have sole charge of burial in the event the body is not  
85 claimed as aforesaid, and his discretion in the premises shall be  
86 final. The Commissioner may donate the unclaimed body of an  
87 executed person to the University of Mississippi Medical Center  
88 for scientific purposes. The county of conviction shall bear the  
89 reasonable expense of burial in the event the body is not claimed  
90 by relatives or friends or donated to the University of  
91 Mississippi Medical Center.

92 **SECTION 3.** This act shall take effect and be in force from  
93 and after July 1, 2004.