

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2237

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, ANY
4 SUPPLIER OF LETHAL INJECTION DRUGS; AND FOR RELATED 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. (1) The manner of inflicting the punishment of
9 death shall be by continuous intravenous administration of a
10 lethal quantity of an ultra short-acting barbiturate or other
11 similar drug in combination with a chemical paralytic agent until
12 death is pronounced by the county coroner where the execution
13 takes place or by a licensed physician according to accepted
14 standards of medical practice.

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



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

25 The identities of all members of the execution team, the
26 supplier or suppliers of lethal injection drugs, and the
27 identities of those witnesses as provided for in Section
28 99-19-55(2) shall at all times remain confidential, and the
29 information is exempt from disclosure under the provisions of the
30 Mississippi Public Records Act of 1983.

31 Notwithstanding any provision of law to the contrary, any
32 portion of any record of any kind that could identify a person as
33 being a current or former member of an execution team or a current
34 or former supplier of lethal injection drugs, or a witness who
35 wishes to remain confidential, shall be privileged and shall not
36 be subject to discovery, subpoena, or other means of legal
37 compulsion for disclosure to any person or entity, but the
38 remainder of the record shall not be privileged or closed unless
39 protected from disclosure by law.

40 A person may not knowingly disclose the identity of a current
41 or former member of an execution team, supplier or former supplier
42 of lethal injection chemicals, or witness who wishes to remain
43 confidential, or disclose any record of any kind knowing that it
44 could identify a person as being a current or former member of an



45 execution team, current or former supplier of lethal injection
46 chemicals or confidential witness. Any person whose identity is
47 disclosed in violation of this section shall:

48 (a) Have a civil cause of action against a person who
49 violates this section;

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

51 (i) Actual damages; and

52 (ii) Punitive damages on a showing of a willful
53 violation of this section.

54 Notwithstanding any provision of law to the contrary, if a
55 member of the execution team or supplier of lethal injection
56 chemicals is licensed by a board or department, the licensing
57 board or department shall not censure, reprimand, suspend, revoke,
58 or take any other disciplinary action against the person's license
59 because the person participated in a lawful execution. Any person
60 or institution assisting with or participating in carrying out an
61 execution in accordance with this statute shall be presumed to be
62 acting in good faith. Any person or institution acting in good
63 faith in connection with carrying out an execution shall be immune
64 from any liability, civil or criminal, that might otherwise be
65 incurred or imposed. All members of the execution team perform
66 their respective functions as official duties on behalf of the
67 state or any agency of the state. The supplier or suppliers of
68 lethal injection chemicals shall also be considered part of this
69 execution team.



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

