

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2237
(As Sent to Governor)

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) who attend as members of
41 the victim's or the condemned person's immediate family, shall at
42 all times be confidential, exempt, and protected from disclosure,
43 but the remainder of the record shall not be protected unless
44 otherwise provided by law. A court shall preserve the secrecy of



45 all confidential and exempt information described in this section
46 by reasonable means, which may include granting protective orders,
47 holding in-camera hearings, sealing the records of the action, and
48 ordering any person involved in the litigation not to disclose
49 such information without prior court approval.

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

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

