

AMENDMENT PROPOSED TO

Am#2

HOUSE BILL NO. 638

BY Hines, Bell

AMEND HB 638 AS FOLLOWS:

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

99-19-51. (1) The manner of inflicting the punishment of death shall be by \* \* \* the sequential intravenous administration of a lethal quantity of \* \* \* the following combination \* \* \* of substances: (a) an ultra, fast-acting barbiturate; (b) a chemical paralytic agent; and (c) potassium chloride, or other similarly effective substance, until death is pronounced by the county coroner where the execution takes place or by a licensed physician according to accepted standards of medical practice.

If attorney recommends that the vote requirement be changed, submit recommendation of vote change form to the Speaker's Office.

(2) No method of execution authorized in the State of Mississippi shall be in violation of the Eighth Amendment of the United States Constitution.

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

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

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

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

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

(8) Notwithstanding any provision of law to the contrary, if a member of the execution team is licensed by a board or

department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against the person's license because the person participated in a lawful execution. Any person or institution assisting with or participating in carrying out an execution in accordance with this statute shall be presumed to be acting in good faith. Any person or institution acting in good faith in connection with carrying out an execution shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. All members of the execution team perform their respective functions as official duties on behalf of the state or any agency of the state.

(9) No person, based on a conscientious moral or religious conviction shall be compelled to serve on an execution team, nor shall they face any reprimand as defined in subsection (8) of this act.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2017.