HOUSE BILL NO. 1479
(As Sent to Governor)


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

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

99-19-51. (1) At the discretion of the Commissioner, the Deputy Commissioner for Finance and Administration and the Deputy Commissioner for Institutions of the Mississippi Department of Corrections, the manner of inflicting the punishment of death shall be by * * * one of the following: (a) intravenous * * * injection of a substance or substances in a lethal quantity into the body; (b) nitrogen hypoxia; (c) electrocution; or (d) firing squad, 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. * * * Upon receipt of the warrant of execution from the Mississippi Supreme Court, the Commissioner of Corrections shall, within seven (7) days, provide
written notice to the condemned person of the manner of execution.

It is the policy of the State of Mississippi that intravenous injection of a substance or substances in a lethal quantity into the body shall be the preferred method of execution.

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( * * *2) 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.

( * * *3) (a) The Commissioner of Corrections shall select an execution team to assist the State Executioner and his deputies. * * * The execution team shall consist of those persons, * * * including all medical personnel, who provide direct support for the administration of lethal chemicals * * * those individuals involved in assisting in the execution in any capacity * * * and 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 the State Executioner and his deputies, all members of the execution team, a supplier of lethal injection chemicals, and * * * those witnesses listed in Section
99-19-55(2) who attend as members of the victim's family or designated by the condemned person shall at all times remain confidential, and the information is exempt from disclosure under the provisions of the Mississippi Public Records Act of 1983.

(***4) 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 State Executioner, his or her deputies, a member of an execution team, a current or former supplier of lethal injection chemicals, or those witnesses listed in Section 99-19-55(2) who attend as members of the victim's family or designated by the condemned person, 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.

(***5) Notwithstanding any provision of law to the contrary, if the State Executioner, his or her deputies, a member of the execution team or supplier of lethal injection chemicals 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. The State Executioner and his deputies, and all members of the execution team perform their respective functions as official duties on behalf of the state or any agency of the state.

SECTION 2. Section 99-19-53, Mississippi Code of 1972, is amended as follows:

99-19-53. (1) The Governor shall appoint the State Executioner who shall serve at the pleasure of the Governor and until his successor shall have been duly appointed to replace him.

(2) The State Executioner, or his duly authorized representative, shall supervise and inflict the punishment of death as the same is hereby provided. All duties and necessary acts pertaining to the execution of a convict shall be performed by the Commissioner of Corrections except where such duties and actions are vested in the State Executioner. The State Executioner shall receive for his services in connection therewith compensation in the sum of Five Hundred Dollars ($500.00) plus all actual and necessary expenses for each such execution, to be paid by the county where the crime was committed. The county of
conviction shall likewise pay the fees of the attending physician or physicians in attendance. The State Executioner may appoint not more than two (2) deputies who shall be paid One Hundred Fifty Dollars ($150.00) per execution and mileage as authorized by law, to be paid by the county where the crime was committed, to assist in the infliction of the punishment of death. The Executioner may appoint such other assistants as may be required; however, such assistants shall not be entitled to compensation or travel expenses. The State Executioner and his deputies may waive compensation, per diem or travel expenses.

(3) Any infliction of the punishment of death by administration of the required lethal substance or substances in the manner required by law shall not be construed to be the practice of medicine or nursing. Any pharmacist is authorized to dispense drugs to the State Executioner or the Commissioner of the Mississippi Department of Corrections without a prescription for the purpose of this chapter.

(4) The State Executioner shall be custodian of all equipment and supplies involved in the infliction of the death penalty. All expenses for the maintenance and protection of the property, together with operating expenses, which as a practical matter cannot be allocated to the county of conviction, shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.
(5) The State Executioner shall receive the per diem compensation authorized in Section 25-3-69 in addition to actual and necessary expenses, including mileage as authorized by law, for each day, not to exceed three (3) days each month, spent in maintaining the equipment and supplies involved in the infliction of the death penalty or preparing for an execution which does not occur. Such payments shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.

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SECTION 3. Section 99-19-55, Mississippi Code of 1972, is amended as follows:

99-19-55. (1) Whenever any person shall be condemned to suffer death for any crime for which such person shall have been convicted in any court of any county of this state, such punishment shall be inflicted at 6:00 p.m. or as soon as possible thereafter within the next twenty-four (24) hours at an appropriate place designated by the Commissioner of the Mississippi Department of Corrections. * * *

All male persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and transported to the maximum security cell block * * *. All female persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and housed in an
appropriate facility designated by the Commissioner of the Mississippi Department of Corrections. Upon final affirmance of the conviction, the punishment shall be imposed in the manner provided by law. The State Executioner or his duly authorized deputy shall supervise and perform such execution.

(2) When a person is sentenced to suffer death in the manner provided by law, it shall be the duty of the clerk of the court to deliver forthwith to the Commissioner of Corrections a warrant for the execution of the condemned person. It shall be the duty of the commissioner forthwith to notify the State Executioner of the date of the execution and it shall be the duty of the said State Executioner, or any person deputized by him in writing, in the event of his physical disability, as hereinafter provided, to be present at such execution, to perform the same, and have general supervision over said execution. In addition to the above designated persons, the Commissioner of Corrections shall secure the presence at such execution of the sheriff, or his deputy, of the county of conviction, at least one (1) but not more than two (2) physicians or the county coroner where the execution takes place, and bona fide members of the press, not to exceed eight (8) in number, and at the request of the condemned, such ministers of the gospel, not exceeding two (2), as said condemned person shall name. The Commissioner of Corrections shall also name to be present at the execution such * * * members of the execution team deemed by him  or her to be necessary to insure proper security.
No other persons shall be permitted to witness the execution, except the commissioner may permit the condemned person to designate two (2) ** witnesses, if they so request and two (2) members of the victim's ** family as witnesses, if they so request. Provided further, that the Governor may ** designate two (2) additional persons of good and reputable character to witness an execution. No person shall be allowed to take photographs or other recordings of any type during the execution. The absence of the sheriff, or deputy, after due notice to attend, shall not delay the execution.

(3) ** The Commissioner of Corrections, or his duly authorized representative, and the physician or physicians or county coroner who witnessed such execution shall prepare and sign officially a certificate setting forth the time and place thereof and that such ** condemned person was then and there executed in conformity to the sentence of the court and the provisions of Sections 99-19-51 through 99-19-55, ** which certificate shall be filed with the clerk of the court where the conviction of the criminal was had, and the clerk shall subjoin the certificate to the record of the conviction and sentence.

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

SECTION 4. This act shall take effect and be in force from
and after July 1, 2022.