

By: Representative Keen

To: Judiciary B

HOUSE BILL NO. 1151

1 AN ACT TO AMEND SECTION 99-19-51, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE OFFICIALS CHARGED WITH DECIDING THE OPTIONS FOR THE
3 DEATH PENALTY; TO AMEND SECTION 99-19-53, MISSISSIPPI CODE OF
4 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD
5 SECTION 99-19-55, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
6 TIME FOR IMPOSING THE DEATH PENALTY; AND FOR RELATED PURPOSES.

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

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

10 99-19-51. (1) At the discretion of the Commissioner, the
11 Deputy Commissioner for Finance and Administration * * *, the
12 Deputy Commissioner for Institutions of the Mississippi Department
13 of Corrections, the Commissioner of the Department of Public
14 Safety and the district attorney of the county in which the
15 conviction occurred by majority vote of those present the manner
16 of inflicting the punishment of death shall be by one of the
17 following: (a) intravenous injection of a substance or substances
18 in a lethal quantity into the body; (b) nitrogen hypoxia; (c)
19 electrocution; or (d) firing squad, until death is pronounced by
20 the county coroner where the execution takes place or by a



21 licensed physician according to accepted standards of medical
22 practice. The cost of each option shall be weighed when making
23 the decision, and the most cost efficient option shall be a
24 deciding factor. Upon receipt of the warrant of execution from
25 the Mississippi Supreme Court, the Commissioner of Corrections
26 shall, within seven (7) days, provide written notice to the
27 condemned person of the manner of execution. It is the policy of
28 the State of Mississippi that intravenous injection of a substance
29 or substances in a lethal quantity into the body shall be the
30 preferred method of execution.

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

36 (3) (a) The Commissioner of Corrections shall select an
37 execution team to assist the State Executioner and his deputies.
38 The execution team shall consist of those persons, including all
39 medical personnel, who provide direct support for the
40 administration of lethal chemicals, those individuals involved in
41 assisting in the execution in any capacity and those personnel
42 assigned to specific duties related to an execution.

43 (b) For the purposes of this section, "supplier of
44 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 if this option is chosen as the most cost efficient to the state. All duties and necessary



94 acts pertaining to the execution of a convict shall be performed
95 by the Commissioner of Corrections except where such duties and
96 actions are vested in the State Executioner and except as
97 otherwise provided in Section 99-19-51. The State Executioner
98 shall receive for his services in connection therewith
99 compensation in the sum of Five Hundred Dollars (\$500.00) plus all
100 actual and necessary expenses for each such execution, to be paid
101 by the county where the crime was committed. The county of
102 conviction shall likewise pay the fees of the attending physician
103 or physicians in attendance. The State Executioner may appoint
104 not more than two (2) deputies who shall be paid One Hundred Fifty
105 Dollars (\$150.00) per execution and mileage as authorized by law,
106 to be paid by the county where the crime was committed, to assist
107 in the infliction of the punishment of death. The Executioner may
108 appoint such other assistants as may be required; however, such
109 assistants shall not be entitled to compensation or travel
110 expenses. The State Executioner and his deputies may waive
111 compensation, per diem or travel expenses.

112 (3) Any infliction of the punishment of death by
113 administration of the required lethal substance or substances in
114 the manner required by law shall not be construed to be the
115 practice of medicine or nursing. Any pharmacist is authorized to
116 dispense drugs to the State Executioner or the Commissioner of the
117 Mississippi Department of Corrections without a prescription for
118 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.

SECTION 3. Section 99-19-55, Mississippi Code of 1972, is brought forward 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



169 place, and bona fide members of the press, not to exceed eight (8)
170 in number, and at the request of the condemned, such ministers of
171 the gospel, not exceeding two (2), as said condemned person shall
172 name. The Commissioner of Corrections shall also name to be
173 present at the execution such members of the execution team deemed
174 by him or her to be necessary to insure proper security. No other
175 persons shall be permitted to witness the execution, except the
176 commissioner may permit the condemned person to designate two (2)
177 witnesses, if they so request and two (2) members of the victim's
178 family as witnesses, if they so request. Provided further, that
179 the Governor may designate two (2) additional persons of good and
180 reputable character to witness an execution. No person shall be
181 allowed to take photographs or other recordings of any type during
182 the execution. The absence of the sheriff, or deputy, after due
183 notice to attend, shall not delay the execution.

184 (3) The Commissioner of Corrections, or his duly authorized
185 representative, and the physician or physicians or county coroner
186 who witnessed such execution shall prepare and sign officially a
187 certificate setting forth the time and place thereof and that such
188 condemned person was then and there executed in conformity to the
189 sentence of the court and the provisions of Sections 99-19-51
190 through 99-19-55, which certificate shall be filed with the clerk
191 of the court where the conviction of the criminal was had, and the
192 clerk shall subjoin the certificate to the record of the
193 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, 2025.

