

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2280

1 AN ACT TO AMEND SECTION 99-19-51, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE METHODS BY WHICH THE DEATH PENALTY MAY BE CARRIED
3 OUT; AND FOR RELATED PURPOSES.

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

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

7 99-19-51. (1) The manner of inflicting the punishment of
8 death shall be by * * * the sequential intravenous administration
9 of a lethal quantity of * * * the following combination * * * of
10 substances: (a) an appropriate anesthetic or sedative; (b) a
11 chemical paralytic agent; and (c) potassium chloride, or other
12 similarly effective substance, until death is pronounced by the
13 county coroner where the execution takes place or by a licensed
14 physician according to accepted standards of medical practice. As
15 used in this section, the term "appropriate anesthetic or
16 sedative" means any substance that, if properly administered in a
17 sufficient quantity, is likely to render the condemned inmate



18 unconscious, so that the execution process should not entail a
19 substantial risk of severe pain.

20 (2) If the method of execution authorized in subsection (1)
21 of this section is held unconstitutional by a court of competent
22 jurisdiction or is otherwise unavailable, then the sentence of
23 death shall be carried out by nitrogen hypoxia.

24 (3) If the methods of execution authorized in subsections
25 (1) and (2) of this section are held unconstitutional by a court
26 of competent jurisdiction or are otherwise unavailable, then the
27 sentence of death shall be carried out by firing squad.

28 (4) If the methods of execution authorized in subsections
29 (1), (2) and (3) of this section are held unconstitutional by a
30 court of competent jurisdiction or are otherwise unavailable, then
31 the sentence of death shall be carried out by electrocution.

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

37 (* * * 6) (a) The Commissioner * * * of Corrections shall
38 select an execution team to assist the executioner and his
39 deputies. This team, including the State Executioner and his
40 deputies who are responsible for the administration of lethal
41 chemicals, shall consist of those persons, such as medical
42 personnel, who provide direct support for the administration of



43 lethal chemicals. This team shall also include those individuals
44 involved in assisting in the execution in any capacity, as well as
45 those personnel assigned to specific duties related to an
46 execution.

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

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

58 (7) Notwithstanding any provision of law to the contrary,
59 any portion of any record of any kind that could identify a person
60 as being a current or former member of an execution team or a
61 current or former supplier of lethal injection chemicals, or those
62 witnesses listed in Section 99-19-55(2) who attend as members of
63 the victim's or the condemned person's immediate family, shall at
64 all times be confidential, exempt, and protected from disclosure,
65 but the remainder of the record shall not be protected unless
66 otherwise provided by law. A court shall preserve the secrecy of
67 all confidential and exempt information described in this section



68 by reasonable means, which may include granting protective orders,
69 holding in-camera hearings, sealing the records of the action, and
70 ordering any person involved in the litigation not to disclose
71 such information without prior court approval.

72 (8) Notwithstanding any provision of law to the contrary, if
73 a member of the execution team or supplier of lethal injection
74 chemicals is licensed by a board or department, the licensing
75 board or department shall not censure, reprimand, suspend, revoke,
76 or take any other disciplinary action against the person's license
77 because the person participated in a lawful execution. Any person
78 or institution assisting with or participating in carrying out an
79 execution in accordance with this statute shall be presumed to be
80 acting in good faith. Any person or institution acting in good
81 faith in connection with carrying out an execution shall be immune
82 from any liability, civil or criminal, that might otherwise be
83 incurred or imposed. All members of the execution team perform
84 their respective functions as official duties on behalf of the
85 state or any agency of the state.

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

