

SECOND REGULAR SESSION

SENATE BILL NO. 898

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 19, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6142S.02I

AN ACT

To repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to the manner of inflicting the punishment of death, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 546.720, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 546.720, to read as follows:

546.720. 1. The manner of inflicting the punishment of death shall be [by
2 the administration of lethal gas or by means of the administration of lethal
3 injection. And for such purpose] **determined by the department of**
4 **corrections.** The director of the department of corrections is hereby authorized
5 and directed to provide a suitable and efficient room or place, enclosed from
6 public view, within the walls of a correctional facility of the department of
7 corrections, and the necessary appliances for carrying into execution the death
8 penalty [by means of the administration of lethal gas or by means of the
9 administration of lethal injection].

10 2. The director of the department of corrections shall select an execution
11 team which shall consist of those persons who administer [lethal gas or lethal
12 chemicals] **the death penalty** and those persons, such as medical personnel,
13 who provide direct support for the administration of [lethal gas or lethal
14 chemicals] **the death penalty.** The identities of members of the execution team,
15 as defined in the execution protocol of the department of corrections, shall be kept
16 confidential. Notwithstanding any provision of law to the contrary, any portion
17 of a record that could identify a person as being a current or former member of
18 an execution team shall be privileged and shall not be subject to discovery,
19 subpoena, or other means of legal compulsion for disclosure to any person or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 entity, the remainder of such record shall not be privileged or closed unless
21 protected from disclosure by law. The section of an execution protocol that
22 directly relates to the administration of [lethal gas or lethal chemicals] **the**
23 **death penalty** is an open record, the remainder of any execution protocol of the
24 department of corrections is a closed record.

25 3. A person may not, without the approval of the director of the
26 department of corrections, knowingly disclose the identity of a current or former
27 member of an execution team or disclose a record knowing that it could identify
28 a person as being a current or former member of an execution team. Any person
29 whose identity is disclosed in violation of this section shall:

30 (1) Have a civil cause of action against a person who violates this section;

31 (2) Be entitled to recover from any such person:

32 (a) Actual damages; and

33 (b) Punitive damages on a showing of a willful violation of this section.

34 4. Notwithstanding any provision of law to the contrary, if a member of
35 the execution team is licensed by a board or department, the licensing board or
36 department shall not censure, reprimand, suspend, revoke, or take any other
37 disciplinary action against the person's license because of his or her participation
38 in a lawful execution. All members of the execution team are entitled to coverage
39 under the state legal expense fund established by section 105.711 for conduct of
40 such execution team member arising out of and performed in connection with his
41 or her official duties on behalf of the state or any agency of the state, provided
42 that moneys in this fund shall not be available for payment of claims under
43 chapter 287.

Section B. Because of the need to provide the department of corrections
2 with the ability to determine the manner of inflicting punishment of death,
3 section A of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act
6 shall be in full force and effect upon its passage and approval.

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