

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 820

94TH GENERAL ASSEMBLY

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Reported from the Committee on Corrections and Public Institutions February 28, 2007 with recommendation that House Committee Substitute for House Bill No. 820 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 6, 2007 with recommendation that the House Committee Substitute Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection April 3, 2007. House Committee Substitute ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

2003L.02P

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## AN ACT

To repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to administration of the death penalty, with penalty provisions.

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*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Section A. Section 546.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 546.720, to read as follows: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 the administration of lethal gas or by means of the administration of lethal injection. And for such purpose the director of the department of corrections is hereby authorized and directed to provide a suitable and efficient room or place, enclosed from public view, within the walls of a correctional facility of the department of corrections, and the necessary appliances for carrying into execution the death penalty by means of the administration of lethal gas or by means of the administration of lethal injection.

**2. The director of the department of corrections shall select an execution team which shall consist of those persons who administer lethal gas or lethal chemicals and those persons, such as medical personnel, who provide direct support for the administration of**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 lethal gas or lethal chemicals. The identities of members of the execution team shall be  
12 kept confidential. Notwithstanding any provision of law to the contrary, a record that  
13 could identify a person as being a current or former member of an execution team shall be  
14 privileged and shall not be subject to discovery, subpoena, or other means of legal  
15 compulsion for disclosure to any person or entity. Except for the section of an execution  
16 protocol that directly relates to the administration of lethal gas or lethal chemicals, the  
17 remainder of any execution protocol of the department of corrections is a closed record.

18       3. Any person who knowingly discloses the identity of a current or former member  
19 of an execution team or discloses a record knowing that it could identify a person as being  
20 a current or former member of an execution team commits a class A misdemeanor, unless  
21 such disclosure is made with the express approval of the director of the department of  
22 corrections.

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

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