

FIRST REGULAR SESSION

HOUSE BILL NO. 820

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MOORE (Sponsor), SANDER, McGHEE, CUNNINGHAM (145),
MUNZLINGER, WILSON (119), WOOD, KELLY, CASEY, WALLACE AND SATER (Co-sponsors).

Read 1st time February 8, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2003L.01I

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.

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Section A. Section 546.720, RSMo, is repealed and one new section enacted in lieu
2 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
2 administration of lethal gas or by means of the administration of lethal injection. And for such
3 purpose the director of the department of corrections is hereby authorized and directed to provide
4 a suitable and efficient room or place, enclosed from public view, within the walls of a
5 correctional facility of the department of corrections, and the necessary appliances for carrying
6 into execution the death penalty by means of the administration of lethal gas or by means of the
7 administration of lethal injection.

8 **2. The director of the department of corrections shall select an execution team**
9 **which shall consist of those persons who administer lethal gas or lethal chemicals and those**
10 **persons, such as medical personnel, who provide direct support for the administration of**
11 **lethal gas or lethal chemicals. The identities of members of the execution team shall be**
12 **kept confidential. A record that could identify a person as being a current or former**
13 **member of an execution team shall be privileged and shall not be subject to discovery,**
14 **subpoena, or other means of legal compulsion for disclosure to any person or entity.**

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.

15 Except for the section of an execution protocol that directly relates to the administration
16 of lethal gas or lethal chemicals, the remainder of any execution protocol of the department
17 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 to be considered as employees of the state for the purpose of the**
28 **state legal expense fund established by section 105.711, RSMo.**

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