

SECOND REGULAR SESSION

HOUSE BILL NO. 1409

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RIZZO (Sponsor), KIRKTON, WIELAND,
NEWMAN AND ELLINGER (Co-sponsors).

5240L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 546 and 565, RSMo, by adding thereto two new sections relating to the death penalty, with an emergency clause.

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

Section A. Chapters 546 and 565, RSMo, are amended by adding thereto two new sections, to be known as sections 546.725 and 565.045, to read as follows:

546.725. 1. There is hereby created the "Commission on Lethal Injection Administration" within the office of administration. The commission shall consist of the following eleven members:

(1) Two members of the house of representatives, with one member from the majority appointed by the speaker and one member from the minority appointed by the minority floor leader;

(2) Two members from the senate, with one member from the majority appointed by the president pro tem and one member from the minority appointed by the minority floor leader;

(3) A county prosecutor appointed by the Missouri Association of Prosecuting Attorneys;

(4) A capital defense attorney with significant collateral capital experience appointed by the Missouri Association of Criminal Defense Lawyers;

(5) The state public defender, or his or her designee;

(6) The state attorney general, or his or her designee;

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.

16 (7) Two treating physicians licensed in this state appointed by the State Board of
17 Registration for the Healing Arts; and

18 (8) A pharmacist licensed in this state appointed by the Missouri Board of
19 Pharmacy.

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21 The members of the commission shall represent a cross-section of the scientific, medical,
22 law enforcement, and legal communities. The members of the commission shall serve
23 without compensation, but shall be reimbursed for necessary expenses incurred in the
24 work of the commission. The commission shall be appointed and staffed on or before ten
25 days after enactment of this section.

26 2. The commission shall elect a chair from its membership. The commission shall
27 be assisted in its work by the staff of the Missouri Supreme Court and the personnel and
28 staff of the Missouri Board of Pharmacy, the State Board of Registration for the Healing
29 Arts, and the state public universities as requested by the commission.

30 3. The commission shall hold public hearings in Jefferson City, calling before it
31 witnesses to testify and allowing other interested citizens to comment on issues relevant to
32 lethal injection administration in Missouri. All meetings of the commission shall be open
33 to the public.

34 4. The commission shall study all aspects of lethal injection administration. As part
35 of such study, the commission shall review and analyze all cases of lethal injection
36 challenges, the legality of obtaining drugs to carry out executions by lethal injection under
37 Missouri and federal law, and the efficacy and safety of drugs obtained to carry out
38 executions by lethal injection.

39 5. The purpose of the commission shall be to review Missouri's lethal injection
40 procedures and protocols and how the procedures and protocols are administered by the
41 department of corrections, and to make findings and recommendations as to how the
42 administration of the procedures and protocols may be revised to that Missourians are
43 assured that the state's administration of death by lethal injection comports with the
44 Constitution of Missouri and the Constitution of the United States, and with Missouri and
45 federal law as interpreted by the current case law.

46 6. The purpose of the commission shall be limited to evaluating Missouri's lethal
47 injection procedures and protocols, including enforcement of such protocols, and shall not
48 extend to reevaluating the policy decisions of the general assembly in enacting a death
49 penalty nor the means chosen by the general assembly in implementing the state's death
50 penalty.

51 7. All state agencies are hereby requested to provide such assistance to the
52 commission as may be requested by the commission in furtherance of this section.

53 8. The commission shall meet as often as deemed necessary, and in no event fewer
54 than four times. The commission shall submit its preliminary report no later than
55 November 3, 2014, and submit its final report to the speaker of the house of
56 representatives, the president pro tem of the senate, the governor, and the department of
57 corrections no later than December 15, 2014. The preliminary and final reports of the
58 commission shall be made available to the public. Upon issuance of its final report, the
59 commission shall be dissolved.

60 9. Until the commission issues its final report of findings and recommendations and
61 appropriate revisions to the procedures and protocols of the department of corrections are
62 adopted and implemented, no executions shall be carried out, no further death penalty
63 warrants shall be signed, and all currently scheduled executions shall be stayed.

64 10. The provisions of this section shall expire December 31, 2014.

 565.045. Until the commission created under section 546.725 issues its final report
2 of findings and recommendations and appropriate revisions to the procedures and
3 protocols of the department of corrections have been adopted and implemented, no
4 executions shall be carried out, no further death penalty warrants shall be signed, and all
5 currently scheduled executions shall be stayed.

6 Section B. Because Missouri may be importing lethal injection drugs in violation of state
7 and federal laws, this act is deemed necessary for the immediate preservation of the public
8 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
9 meaning of the constitution, and this act shall be in full force and effect upon its passage and
10 approval.

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