

SECOND REGULAR SESSION

# HOUSE BILL NO. 1470

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BRATTIN (Sponsor) AND FITZWATER (Co-sponsor).

5440H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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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Section A. Section 546.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 546.720, to read as follows: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 **firing squad**, 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. **If the judgment of death is to be carried out by firing squad, the director of the department of corrections shall select a five-person firing squad consisting of licensed peace officers.**

3. **If the judgment of death is to be carried out by the administration of lethal gas or by means of the administration of lethal injection,** 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 lethal gas or lethal chemicals. The identities of members of the execution team, as defined in the execution protocol of the department of corrections, shall be kept confidential. Notwithstanding any provision of law to the contrary, any portion of a record

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.

18 that could identify a person as being a current or former member of an execution team shall be  
19 privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion  
20 for disclosure to any person or entity, the remainder of such record shall not be privileged or  
21 closed unless protected from disclosure by law. The section of an execution protocol that  
22 directly relates to the administration of lethal gas or lethal chemicals is an open record, the  
23 remainder of any execution protocol of the department of corrections is a closed record.

24 [3.] 4. A person may not, without the approval of the director of the department of  
25 corrections, knowingly disclose the identity of a current or former member of an execution team  
26 or disclose a record knowing that it could identify a person as being a current or former member  
27 of an execution team. Any person whose identity is disclosed in violation of this section shall:

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

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

30 (a) Actual damages; and

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

32 [4.] 5. Notwithstanding any provision of law to the contrary, if a member of the  
33 execution team is licensed by a board or department, the licensing board or department shall not  
34 censure, reprimand, suspend, revoke, or take any other disciplinary action against the person's  
35 license because of his or her participation in a lawful execution. All members of the execution  
36 team are entitled to coverage under the state legal expense fund established by section 105.711  
37 for conduct of such execution team member arising out of and performed in connection with his  
38 or her official duties on behalf of the state or any agency of the state, provided that moneys in  
39 this fund shall not be available for payment of claims under chapter 287.

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