

1 HB379
2 157515-3
3 By Representatives Greer, Baughn, Laird, Bridges, Millican,
4 Ball, Patterson, Rich, Williams (P), McClurkin, Harper,
5 Weaver, Sanderford, Farley, Tuggle, Williams (D), Butler,
6 Roberts, Burdine, Henry, Johnson (K), Collins, Nordgren,
7 Shedd, Hammon, Vance, Beckman, McMillan, Faust, Brown, Lee and
8 Newton
9 RFD: Judiciary
10 First Read: 30-JAN-14

1 warden of the correctional facility within 30 days after the
2 certificate of judgment pursuant to a decision by the Alabama
3 Supreme Court affirming the sentence of death or, if a
4 certificate of judgment is issued before July 1, 2002, the
5 election must be made and delivered to the warden within 30
6 days after July 1, 2002. If a warrant of execution is pending
7 on July 1, 2002, or if a warrant is issued within 30 days
8 after July 1, 2002, the person sentenced to death who is the
9 subject of the warrant shall waive election of electrocution
10 as the method of execution unless a written election signed by
11 the person is submitted to the warden of the correctional
12 facility no later than 48 hours after a new date for execution
13 of the death sentence is set.

14 "(c) If electrocution or lethal injection is held to
15 be unconstitutional by the Alabama Supreme Court under the
16 Constitution of Alabama of 1901, or held to be
17 unconstitutional by the United States Supreme Court under the
18 United States Constitution, or if the United States Supreme
19 Court declines to review any judgment holding a method of
20 execution to be unconstitutional under the United States
21 Constitution made by the Alabama Supreme Court or the United
22 States Court of Appeals that has jurisdiction over Alabama,
23 all persons sentenced to death for a capital crime shall be
24 executed by any constitutional method of execution.

25 "(d) The provisions of the opinion and all points of
26 law decided by the United States Supreme Court in *Malloy v.*
27 *South Carolina*, 237 U.S. 180 (1915), finding that the Ex Post

1 Facto Clause of the United States Constitution is not violated
2 by a legislatively enacted change in the method of execution
3 for a sentence of death validly imposed for previously
4 committed capital murders, are adopted by the Legislature as
5 the law of this state.

6 "(e) A change in the method of execution shall not
7 increase the punishment or modify the penalty of death for
8 capital murder. Any legislative change to the method of
9 execution for the crime of capital murder shall not violate
10 Section 22 of Article I of the Constitution of Alabama of
11 1901.

12 "(f) Notwithstanding any law to the contrary, a
13 person authorized by state law to prescribe medication and
14 designated by the Department of Corrections may prescribe the
15 drug or drugs necessary to compound a lethal injection.
16 Notwithstanding any law to the contrary, a person authorized
17 by state law to prepare, compound, or dispense medication and
18 designated by the Department of Corrections may prepare,
19 compound, or dispense a lethal injection. For purposes of this
20 section, prescription, preparation, compounding, dispensing,
21 and administration of a lethal injection shall not constitute
22 the practice of medicine, nursing, or pharmacy.

23 "(g) The policies and procedures of the Department
24 of Corrections ~~for~~ related to the execution of persons
25 sentenced to death shall be exempt from the Alabama
26 Administrative Procedure Act, Chapter 22 of Title 41 ~~including~~
27 , and Section 36-12-40.

1 "(h) No sentence of death shall be reduced as a
2 result of a determination that a method of execution is
3 declared unconstitutional under the Constitution of Alabama of
4 1901, or the Constitution of the United States. In any case in
5 which an execution method is declared unconstitutional, the
6 death sentence shall remain in force until the sentence can be
7 lawfully executed by any valid method of execution.

8 "(i) Nothing contained in this section is intended
9 to require any physician, nurse, pharmacist, or employee of
10 the Department of Corrections or any other person to assist in
11 any aspect of an execution which is contrary to the person's
12 moral or ethical beliefs.

13 "(j) The name, address, qualifications, and other
14 identifying information of any person or entity that
15 manufactures, compounds, prescribes, dispenses, supplies, or
16 administers the drugs or supplies utilized in an execution
17 shall be confidential, shall not be subject to disclosure, and
18 shall not be admissible as evidence or discoverable in any
19 action of any kind in any court or before any tribunal, board,
20 agency, or person. The same confidentiality and protections
21 shall also apply to any person who participates in an
22 execution or performs any ancillary function related to an
23 execution and shall include information contained in any
24 departmental records, including electronic records, that would
25 identify the person."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 30-JAN-14

Read for the second time and placed
on the calendar 1 amendment 18-FEB-14

Read for the third time and passed
as amended..... 06-MAR-14

Yeas 77, Nays 19, Abstains 0

Jeff Woodard
Clerk