

HOUSE BILL 1074

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11r2352
CF 11r2171

By: **Delegates Rosenberg and Healey**
Introduced and read first time: February 11, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Participation in an Execution – Exclusions**

3 FOR the purpose of providing that the requirements relating to who must participate
4 in the administration of an execution may not be interpreted to require the
5 attendance or participation of certain persons with certain moral or religious
6 beliefs; and generally relating to the exclusion from participation in an
7 execution by certain persons.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 3–906
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Correctional Services**

16 3–906.

17 (a) The Commissioner shall:

18 (1) provide a suitable and efficient place, enclosed from public view, in
19 which an execution may be carried out;

20 (2) provide all of the materials that are necessary to perform the
21 execution; and

22 (3) subject to subsection (c) of this section, select the individuals to
23 perform the execution.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The Commissioner or the Commissioner's designee shall supervise the
2 execution.

3 (c) (1) An execution shall be performed by individuals who are selected by
4 the Commissioner and trained to administer the lethal injection.

5 (2) An individual who administers the paralytic agent and lethal
6 injection need not be licensed or certified as any type of health care practitioner under
7 the Health Occupations Article.

8 **(D) THIS SECTION MAY NOT BE INTERPRETED TO REQUIRE A**
9 **PHYSICIAN, NURSE, PHARMACIST, OR EMPLOYEE OF THE DIVISION OR ANY**
10 **OTHER PERSON TO BE IN ATTENDANCE AT OR PARTICIPATE IN ANY ASPECT OF**
11 **AN EXECUTION WHICH IS CONTRARY TO THE MORAL OR RELIGIOUS BELIEFS OF**
12 **THE PERSON.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2011.