



HOUSE BILL 774: Restoring Proper Justice Act

2015-2016 General Assembly

Committee:
Introduced by:
Analysis of: S.L. 2015-198

Date:
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Staff Attorney

SUMMARY: *S.L. 2015-198 authorizes a medical professional other than a physician to monitor lethal injection for death penalty executions and clarifies that matters relating to executions are not subject to rulemaking.*

This act became effective August 5, 2015.

CURRENT LAW: Currently, a licensed physician must be present at an execution. Together, the warden and the surgeon or physician of the penitentiary are to certify the fact of the execution. G.S. 15-190. Any licensed health care professional who renders assistance in an execution is not subject to discipline by his or her licensing or regulatory board, commission or authority, and the administration of the legal substances is not considered "the practice of medicine." G.S. 15-188.1.

With respect to rulemaking, G.S. 150B-1 grants an exemption from all rulemaking to the Department of Public Safety for matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.

BILL ANALYSIS:

Sections 1 and 2 of Session Law 2015-198 allow a medical professional other than a physician to monitor an execution. "Medical professional other than a physician" is defined for purposes of the statute to include a licensed or credentialed physician assistant, nurse practitioner, registered nurse, emergency medical technician or emergency medical technician-paramedic.

The act provides that if a physician is not present at the execution, a physician must be present on the premises and available to examine the body after execution in order to pronounce the person dead, and must certify the fact of the execution to the clerk of superior court in the jurisdiction where the sentence of death was pronounced.

Sections 3 and 4 clarify that execution procedures are exempt from the rulemaking and contested case requirements of the Administrative Procedure Act..

Section 5 of the act eliminates the provision that execution shall be in accordance with the provisions of G.S. 15-188 and the remainder of Article 19 of Chapter 15.

Section 6 amends G.S. 132-1.2 to add that nothing in the Public Records Law is to be construed to require or authorize a public agency to disclose specified identifying information relating to the drugs or supplies obtained for executions.

Section 7 of the act is a severability clause.

EFFECTIVE DATE: This act became effective when the Governor signed it into law on August 5, 2015.

O. Walker Reagan
Director



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