



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 6** HLS 242ES 17
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: February 21, 2024 6:09 PM	Author: MUSCARELLO
Dept./Agy.: Corrections	
Subject: Death Sentences - Execution Methods & Records	Analyst: Daniel Druilhet

CRIMINAL/PROCEDURE RE INCREASE GF EX See Note Page 1 of 1

Provides relative to the methods of execution and for confidentiality of records or information relating to the execution of a death sentence (Item #15)

Current law states that every sentence of death executed in the state prior to 9/15/91, shall be by electrocution, and after 9/15/91, by intravenous lethal injection. Proposed law amends current law by reintroducing and providing the secretary of the Department of Public Safety & Corrections (DPS&C) the discretion to administer death sentences by intravenous lethal injection, nitrogen hypoxia, and electrocution (and removes any preference for any method of execution); mandates the secretary of DPS&C to, within 7 days of receipt of the warrant of execution, provide written notice to the person condemned of the manner of execution; does not subject the purchase of drugs or any other materials necessary to carry out executions to the Louisiana Procurement Code; exempts manufacturers, pharmacists, practitioner pharmacists, and out-of-state pharmacists that dispense, supply, distribute, manufacture, or compound drugs used in executions from culpability; mandates confidentiality of identifying information of any person involved in a death sentence execution and any information related to it not discoverable or admissible in any proceeding; permits a person involved in an execution or his immediate family member whose identity is disclosed to have a civil cause of action against the disclosing person & make them subject to no more than 2 years imprisonment and \$50,000 in fines; mandates that DPS&C provide counseling services to anyone involved in executions.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	

Annual Total

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	

Annual Total

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) if a person is convicted and subsequently incarcerated for disclosing the identity of a person involved in an execution. Proposed law may also result in an indeterminable increase in SGF expenditures in the DPS&C-CS, to the extent that they provide counseling services to those who are involved in death sentence executions and seek those services. The exact impact of the passage of this legislation on SGF expenditures is indeterminable, because there is no way to determine the number of persons who would be convicted and subsequently incarcerated for disclosing the identity of persons involved in executions, or the number of persons involved in death execution sentences that will seek counseling services.

SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted and then housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. An offender sentenced to the custody of the DPSC - CS for one year would increase expenditures by \$39,274 (\$107.60 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.


Note: The LFO is working with DPS&C-CS to determine the extent to which counseling services can be absorbed within existing services available within the department. This fiscal note will be updated once additional information is received.

Proposed law may result in an indeterminable increase in costs to local courts, as it provides for a civil cause of action for plaintiffs who participate in executions and whose identities are disclosed. To the extent that potential plaintiffs choose to pursue civil causes of action under proposed law, local courts will assume higher workloads from processing and hearing matters related to these civil actions. Because it is unknown the number of future plaintiffs that may pursue these civil causes of action under proposed law, the fiscal impact to local courts is indeterminable.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for convictions of disclosing the identity of a person involved in an execution. The maximum fine for disclosing the identity of a person involved in an execution is \$50,000. The exact impact on revenue is indeterminable because there is no way to determine the number of persons who would be convicted and subsequently fined for disclosing the identity of those involved in executions. The potential revenue will accrue to the local governing authority.

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| <p><u>Senate</u></p> <p><input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}</p> <p><input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}</p> | <p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}</p> <p><input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p> |
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Patrice Thomas
 Deputy Fiscal Officer