

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 6** HLS 242ES 17
 Bill Text Version: **RE-REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

| | |
|---|---------------------------------|
| Date: February 28, 2024 12:27 PM | Author: MUSCARELLO |
| Dept./Agy.: Corrections | Analyst: Daniel Druilhet |
| Subject: Death Sentences - Execution Methods & Records | |

CRIMINAL/PROCEDURE RR1 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 (E); mandates the secretary of DPS&C to, within 7 days of receipt of the warrant of E, provide written notice to the person condemned of the manner of E; does not subject the purchase of drugs or any other materials necessary to carry out Es to the Louisiana Procurement Code; exempts manufacturers, pharmacists (RX), practitioner RXs, and out-of-state RXs that dispense, supply, distribute, manufacture, or compound drugs used in E from culpability; mandates confidentiality of identifying information (INFO) of any person involved in a death sentence E (except those whose identity is considered public INFO by law) and any INFO related to it not discoverable or admissible in any proceeding; permits a person involved in an E or his immediate family member whose identity is disclosed to have a civil cause of action against the disclosing person; mandates that DPS&C provide counseling services to those involved in Es. Proposed law becomes effective July 1, 2024.

| 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 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 involved in death execution sentences that will seek counseling services.

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

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
 Deputy Fiscal Officer