

ACT No. 5

2024 Second Extraordinary Session

HOUSE BILL NO. 6

BY REPRESENTATIVES MUSCARELLO AND MIKE JOHNSON AND SENATOR SEABAUGH

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AN ACT

To amend and reenact R.S. 15:569(A) through (C) and 570(A)(4) and (F) through (H) and R.S. 44:4.1(B)(8) and to enact R.S. 15:569(E) and (F) and 570(I) and (J), relative to the execution of a death sentence; to provide for the methods of execution; to provide for the confidentiality of records or information relating to the execution of a death sentence; to provide for disclosure of certain information to the state inspector general; to provide for review of certain information by the state inspector general; to provide for a civil cause of action relative to the unauthorized disclosure of information or records relating to the execution of a death sentence; to provide for an exception to the Public Records Law and for family members of public officials; to provide for counseling services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:569(A) through (C) and 570(A)(4) and (F) through (H) are hereby amended and reenacted and R.S. 15:569(E) and (F) and 570(I) and (J) are hereby enacted to read as follows:

§569. Place for execution of death sentence; manner of execution

~~A. Every sentence of death executed in this state prior to September 15, 1991, shall be by electrocution, that is, causing to pass through the body of the person convicted a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of the person convicted until such person is dead.~~ Every sentence of death imposed in this state shall be executed at the Louisiana State Penitentiary at Angola. Every execution shall be made in a room entirely cut off from view of all except those permitted by law to be

1 in ~~said~~ the room. At the discretion of the secretary of the Department of Public
 2 Safety and Corrections and with no preference to the method of execution, every
 3 sentence of death shall be by one of the following methods:

4 (1) Intravenous injection of a substance or substances in a lethal quantity into
 5 the body.

6 (2) Nitrogen hypoxia.

7 (3) Electrocution, causing to pass through the body of the person convicted
 8 a current of electricity of sufficient intensity to cause death, and the application and
 9 continuance of such current through the body of the person convicted until such
 10 person is dead.

11 B. ~~Every sentence of death executed on or after September 15, 1991, shall~~
 12 ~~be by lethal injection; that is, by the intravenous injection of a substance or~~
 13 ~~substances in a lethal quantity into the body of a person convicted until such person~~
 14 ~~is dead. Every sentence of death imposed in this state shall be executed at the~~
 15 ~~Louisiana State Penitentiary at Angola. Every execution shall be made in a room~~
 16 ~~entirely cut off from view of all except those permitted by law to be in said room.~~
 17 Upon receipt of the warrant commanding the secretary to cause the execution of the
 18 person condemned as provided by law, the secretary shall, within seven days,
 19 provide written notice to the condemned person of the manner of execution.

20 C. No licensed health care professional shall be compelled to administer a
 21 lethal injection or to participate in any other authorized execution method.

22 * * *

23 E.(1) The purchase of drugs, medical supplies, medical equipment, or any
 24 other materials or supplies necessary to carry out the execution shall not be subject
 25 to the provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq.

26 (2) A member of the legislature or the governor, or an immediate family
 27 member of a member of the legislature or the governor, or any business with which
 28 a member of the legislature or the governor or their immediate family member has
 29 a controlling interest as an owner, director, officer, or majority shareholder that has

1 voting rights regarding the financial decisions of the business shall not offer or
 2 provide drugs, medical supplies, or medical equipment necessary to execute a death
 3 sentence.

4 (3)(a) The entity responsible for maintaining records or information
 5 pertaining to the provision of drugs, medical supplies, or medical equipment for
 6 execution purposes shall disclose the information to the state inspector general.

7 (b) The state inspector general shall conduct a review of the disclosed
 8 information to ensure compliance with the provisions of Paragraph (2) of this
 9 Subsection. Upon completion of the review, the state inspector general shall return
 10 the disclosed information and issue a certification stating whether the purchase of
 11 drugs, medical supplies, or medical equipment procured for the purpose of carrying
 12 out executions complies with Paragraph (2) of this Subsection. The certification
 13 shall also state whether the drugs, medical supplies, or medical equipment were
 14 procured from an individual, business, organization, or entity possessing the requisite
 15 licenses pursuant to the laws of their respective state to engage in such activities, and
 16 affirming the validity of the licenses. The certification shall be a public record, but
 17 shall not disclose any of the information protected by R.S. 15:570(G).

18 F. A manufacturer, pharmacist, practitioner, pharmacy, out-of-state
 19 pharmacy or practitioner, or institutional pharmacy as defined in R.S. 37:1164 shall
 20 be exempt from Parts III, IV, and V of Chapter 14 of Title 37 of the Louisiana
 21 Revised Statutes of 1950 and the reporting of prescription monitoring information
 22 required by the Prescription Monitoring Program Act as provided in Part X-A of
 23 Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, when delivering,
 24 dispensing, distributing, supplying, manufacturing, or compounding any drug,
 25 equivalent drug product, pharmacy generated drug, or device intended for use by the
 26 Department of Public Safety and Corrections in the administration of an execution.
 27 The Department of Public Safety and Corrections shall comply with federal
 28 regulations regarding the importation of any drugs, medical supplies, or medical
 29 equipment obtained for execution.

30 * * *

1 §570. Execution; officials and witnesses; minors excluded; time of execution; notice
2 to victim's relatives

3 A. Every execution of the death sentence shall take place in the presence of:

4 * * *

5 (4) A competent person selected by the warden of the Louisiana State
6 Penitentiary to ~~administer the lethal injection~~ carry out the authorized execution
7 method.

8 * * *

9 F. Only the identities of those persons named in Paragraphs (A)(1), (2), (5),
10 and (6), ~~and Subsection E~~ of this Section shall be made public.

11 G. ~~The identity of any persons other than the persons specified in Subsection~~
12 ~~F of this Section who participate or perform ancillary functions in an execution of~~
13 ~~the death sentence, either directly or indirectly, shall remain strictly confidential and~~
14 ~~the identities of those persons and information about those persons which could lead~~
15 ~~to the determination of the identities of those persons shall not be subject to public~~
16 ~~disclosure in any manner. Any information contained in records that could identify~~
17 ~~any person other than the persons specified in Subsection F of this Section shall~~
18 ~~remain confidential, shall not be subject to disclosure, and shall not be admissible as~~
19 ~~evidence nor discoverable in any proceeding before any court, tribunal, board,~~
20 ~~agency, or person. It is the intent of the legislature that the provisions of this~~
21 ~~Subsection shall be construed to ensure the absolute confidentiality of the identifying~~
22 ~~information of any person, business, organization, or other entity directly or~~
23 ~~indirectly involved in the execution of a death sentence within this state. This~~
24 ~~confidentiality provision shall prevail over any conflicting provision in state law~~
25 ~~related to public disclosure.~~

26 (1) Except as provided in Subsection F of this Section, the identity of any
27 person who participates in or performs ancillary functions in the execution process,
28 including a person or business that delivers, dispenses, distributes, supplies,
29 manufactures, or compounds the drugs, equivalent drug products, pharmacy
30 generated drugs, device drugs, medical supplies, medical equipment, or other

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 supplies or materials intended for use by the Department of Public Safety and
2 Corrections in the administration of an execution shall be confidential and shall not
3 be disclosed.

4 (2) Except as provided in Subsection F of this Section, information or
5 records that identify or could reasonably lead to the identification of any person who
6 participates in or performs ancillary functions in the execution process shall not be
7 admissible as evidence nor discoverable in any proceeding before any court, tribunal,
8 board, agency, legislative committee, or person. This shall include the information
9 or records of any person or business that delivers, dispenses, distributes, supplies,
10 manufactures, or compounds the drugs, equivalent drug products, pharmacy
11 generated drugs, device drugs, medical supplies, medical equipment, or other
12 supplies or materials intended for use by the Department of Public Safety and
13 Corrections in the administration of an execution.

14 H.(1) Except as provided in R.S. 15:569(E), no person, including an
15 employee of the Department of Public Safety and Corrections, shall disclose the
16 identity or any information leading to the identification of persons, businesses,
17 organizations, or other entities specified in Subsection G of this Section.

18 (2) Any person and his immediate family or an entity whose identity is
19 disclosed in violation of Paragraph (1) of this Subsection shall have a civil cause of
20 action against the person who disclosed the information and may recover actual
21 damages and, upon a showing of a willful violation of Paragraph (1) of this
22 Subsection, may recover punitive damages.

23 (3) If any provision or item of this Subsection, or the application thereof, is
24 held invalid, such invalidity shall not affect other provisions, items, or applications
25 of the Subsection which can be given effect without the invalid provision, item, or
26 application and to this end the provisions of this Subsection are hereby declared
27 severable.

28 I. If a person, business, organization, or entity who participates in or
29 performs ancillary functions in an execution is licensed by a board, the licensing
30 board shall not suspend or revoke the license of such person, business, organization,

1 or entity, or take any disciplinary or other adverse action against the person,
2 business, organization, or entity as a result of participation in the execution.

3 J. The Department of Public Safety and Corrections shall make counseling
4 services available for any person identified in Subsections A and E of this Section
5 who is involved in the execution of a death sentence in this state.

6 Section 2. R.S. 44:4.1(B)(8) is hereby amended and reenacted to read as follows:

7 §4.1. Exceptions

8 * * *

9 B. The legislature further recognizes that there exist exceptions, exemptions,
10 and limitations to the laws pertaining to public records throughout the revised
11 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
12 limitations are hereby continued in effect by incorporation into this Chapter by
13 citation:

14 * * *

15 (8) R.S. 15:242, 440.6, 477.2, 549, 570(~~F~~), 574.12, 578.1, 587, 587.1.2, 616,
16 660, 840.1, 1176, 1204.1, 1212.1(E), 1507

17 * * *

18 Section 2. This Act shall become effective on July 1, 2024; if vetoed by the governor
19 and subsequently approved by the legislature, this Act shall become effective on the day
20 following such approval by the legislature or July 1, 2024, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____