



LEGISLATIVE FISCAL OFFICE
Fiscal Note

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

Date: February 29, 2024 3:24 PM	Author: MUSCARELLO
Dept./Agy.: Corrections	
Subject: Death Sentences - Execution Methods & Records	Analyst: Daniel Druilhet

CRIMINAL/PROCEDURE EN 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 reintroduces and provides 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 needed for executions to the Louisiana Procurement Code; mandates confidentiality of identifying information of any person involved in a death sentence execution (except those whose identity is considered public information by law) and information related to it not discoverable or admissible in any proceeding; restricts members of the legislature, the governor, or an immediate family member of a legislator or governor with a controlling interest or voting rights regarding the financial decisions of a business from offering drugs and other supplies necessary to execute death sentences; requires those responsible for maintaining business records to disclose the information to the state inspector general and require a review of the disclosed information to ensure compliance with restrictions imposed on legislators and the governor; provides for a civil action for persons involved in an execution or immediate family members whose identity is disclosed; mandates that DPS&C provide counseling services to those involved in executions; becomes effective 7/01/24.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	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					

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					

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.

Proposed law may result in an indeterminable increase in costs to the Office of the State Inspector General, as it requires the Office of the State Inspector General to conduct a review of information disclosed by businesses that provide drugs or any other materials needed for executions to ensure that those businesses are not those where legislators, the governor, or immediate family members of the governor, have a controlling interest or voting rights in those businesses. To the extent that there is any potential increase in workload by the Office of the State Inspector General in ensuring compliance with this restriction, the LFO assumes that it can be absorbed using existing staff and resources. Because it is unknown the number of businesses that will engage in providing drugs and other materials for executions and the number of compliance reviews that will occur in the future, the fiscal impact to the Office of the State Inspector General is indeterminable.

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