

Regular Session, 2012

HOUSE BILL NO. 120

BY REPRESENTATIVE LOPINTO

CORRECTIONS: Provides relative to executions of death sentences

1 AN ACT

2 To amend and reenact R.S. 15:568 and 570(A)(4), (C), (D), (E), and (F) and to enact R.S.
3 15:570(G) and (H), relative to executions of death sentences; to provide relative to
4 those persons required to be present; to provide relative to a person's refusal to
5 attend; to provide relative to the confidentiality of the identity of certain persons
6 participating in the execution; to provide relative to the licensing of certain persons
7 participating in the execution; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:568 and 570(A)(4), (C), (D), (E), and (F) are hereby amended and
10 reenacted and R.S. 15:570(G) and (H) are hereby enacted to read as follows:

11 §568. Execution of death sentence; prior confinement of offender

12 The ~~director~~ secretary of the Department of Public Safety and Corrections,
13 or a competent person selected by him, shall execute the offender in conformity with
14 the death warrant issued in the case. Until the time of his execution, the Department
15 of Public Safety and Corrections shall incarcerate the offender in a manner affording
16 maximum protection to the general public, the employees of the department, and the
17 security of the institution.

18 * * *

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

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

22 * * *

1 (4) ~~The operator of the electric chair, who shall be a competent electrician,~~
2 ~~who shall have not been previously convicted of a felony, or a~~ A competent person
3 selected by the warden of the Louisiana State Penitentiary to administer the lethal
4 injection.

5 * * *

6 C. Any person requested to be present at an execution pursuant to the
7 provisions of this Section, whether or not the person is employed by the Department
8 of Public Safety and Corrections, shall not be required to attend an execution.
9 Refusal to attend an execution shall not be used in any disciplinary action or negative
10 job performance citation against any person who refuses to attend or does not attend
11 an execution.

12 ~~C~~.D. Notwithstanding any other provision of law to the contrary, every
13 execution of the death sentence shall take place between the hours of 6:00 p.m. and
14 9:00 p.m.

15 ~~D~~.E.(1) The secretary of the Department of Public Safety and Corrections
16 shall, at least ten days prior to the execution, either give written notice or verbal
17 notice, followed by written notice placed in the United States mail within five days
18 thereafter, of the date and time of execution to the victim's parents, or guardian,
19 spouse, and any adult children who have indicated to the secretary that they desire
20 such notice. The secretary, in such notice, shall give the named parties the option of
21 attending the execution.

22 (2) The victim's parents or guardian, spouse, and any adult children who
23 desire to attend the execution shall, within three days of their receipt of the
24 secretary's notification, notify, either verbally or in writing, the secretary's office of
25 their intention to attend. The number of victim relationship witnesses may be limited
26 to two. If more than two of the aforementioned parties desire to attend the execution,
27 then the secretary is authorized to select, from the interested parties, the two victim
28 relationship witnesses who will be authorized to attend. In the case of multiple

1 victim's families, the secretary shall determine the number of witnesses, subject to
2 the availability of appropriate physical space.

3 (3) In no event shall failure to give notice to the victim's parents, or guardian,
4 spouse, or any adult children have any effect as to execution of sentence.

5 ~~E.F.~~ Only the identities of those persons named in ~~Subparagraphs~~ Paragraphs
6 (A)(1), (2), ~~(3)~~, (5), and (6), and Subsection ~~D E~~ of this Section shall be made public.

7 F.G. The identity of any persons other than the persons specified in
8 Subsection ~~E F~~ of this Section who participate or perform ancillary functions in an
9 execution of the death sentence, either directly or indirectly, shall remain strictly
10 confidential and the identities of those persons and information about those persons
11 which could lead to the determination of the identities of those persons shall not be
12 subject to public disclosure in any manner ~~whatsoever~~. Any information contained
13 in records that could identify any person other than the persons specified in
14 Subsection F of this Section shall remain confidential, shall not be subject to
15 disclosure, and shall not be admissible as evidence nor discoverable in any
16 proceeding before any court, tribunal, board, agency, or person.

17 H. If a person who participates or performs ancillary functions in an
18 execution is licensed by a board, the licensing board shall not suspend or revoke the
19 license of such person, or take any disciplinary or other adverse action against the
20 person, as a result of participation in the execution.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Lopinto

HB No. 120

Abstract: Provides certain protections for those persons requested to attend or those persons participating in the execution of a death sentence and provides for the confidentiality of the identities of certain attendees.

Present law requires the presence of certain persons at the execution of a death sentence including the operator of the electric chair.

Proposed law removes the requirement that the operator of an electric chair be present at every execution of a death sentence.

Proposed law provides that any person who is requested to attend an execution shall not be required to attend, and the refusal to attend shall not be used in any disciplinary action or negative job performance citation against such person.

Present law provides that only the identities of certain persons present or participating in an execution shall be made public, including a physician summoned by the warden of the La. State Penitentiary at Angola.

Proposed law removes the physician summoned by the warden of the La. State Penitentiary at Angola from the list of persons whose identity shall be made public.

Proposed law provides that any record which contains information that identifies any person participating in an execution, who is not listed in records of persons whose identity shall be made public, shall remain confidential, shall not be subject to disclosure, and shall not be admissible as evidence or be discoverable in any proceeding before any court, tribunal, board, agency, or person.

Proposed law provides that any person who participates or performs ancillary functions in an execution who is licensed by a board shall not have his license suspended or revoked and no disciplinary or other adverse action shall be brought against him as a result of his participation in the execution.

Proposed law makes technical corrections to present law provision regarding the confinement of a person prior to the execution of death sentence, changing all references to the "Department of Corrections" to "Department of Public Safety and Corrections".

(Amends R.S. 15:568 and 570(A)(4), (C), (D), (E), and (F); Adds R.S. 15:570(G) and (H))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Made technical corrections.
2. Added provision which changes reference relative to the confinement of a person prior to the execution of death sentence, changing all references from the "Department of Corrections" to "Department of Public Safety and Corrections".