Regular Session, 2012

HOUSE BILL NO. 120

BY REPRESENTATIVE LOPINTO

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

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ACT No. 172

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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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.

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 29 victim's families, the secretary shall determine the number of witnesses, subject to the availability of appropriate physical space. 30

Page 2 of 3

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1	(3) In no event shall failure to give notice to the victim's parents, or guardian,
2	spouse, or any adult children have any effect as to execution of sentence.
3	E.F. Only the identities of those persons named in Subparagraphs Paragraphs
4	(A)(1), (2), (3) , (5), and (6), and Subsection $\overline{D} \underline{E}$ of this Section shall be made public.
5	F.G. The identity of any persons other than the persons specified in
6	Subsection $\underline{E} \underline{F}$ of this Section who participate <u>or perform ancillary functions</u> in an
7	execution of the death sentence, either directly or indirectly, shall remain strictly
8	confidential and the identities of those persons and information about those persons
9	which could lead to the determination of the identities of those persons shall not be
10	subject to public disclosure in any manner whatsoever. Any information contained
11	in records that could identify any person other than the persons specified in
12	Subsection F of this Section shall remain confidential, shall not be subject to
13	disclosure, and shall not be admissible as evidence nor discoverable in any
14	proceeding before any court, tribunal, board, agency, or person.
15	H. If a person who participates or performs ancillary functions in an
16	execution is licensed by a board, the licensing board shall not suspend or revoke the
17	license of such person, or take any disciplinary or other adverse action against the

18 person, as a result of participation in the execution.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____