

Regular Session, 2014

HOUSE BILL NO. 328

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Authorizes execution of a death sentence by electrocution

1 AN ACT

2 To amend and reenact R.S. 15:569, relative to the manner of execution of a death sentence;
3 to authorize the use of electrocution as a form of execution; to provide for the
4 selection of the manner of execution; to provide for procedures; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:569 is hereby amended and reenacted to read as follows:

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

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

16 Every sentence of death executed in this state on or after August 1, 2014,
17 shall be conducted by either of the following methods:

18 (1) Lethal injection, which is the intravenous injection of a substance or
19 substances in a lethal quantity into the body of a person convicted until such person

1 is dead. Execution by lethal injection shall be permitted in accordance with
2 procedures developed by the department.

3 (2) Electrocutation, which is the causing to pass through the body of the
4 person convicted a current of electricity of sufficient intensity to cause death, and the
5 application and continuance of such current through the body of the person convicted
6 until such person is dead.

7 ~~B. Every sentence of death executed on or after September 15, 1991, shall~~
8 ~~be by lethal injection; that is, by the intravenous injection of a substance or~~
9 ~~substances in a lethal quantity into the body of a person convicted until such person~~
10 ~~is dead. Every sentence of death imposed in this state shall be executed at the~~
11 ~~Louisiana State Penitentiary at Angola. Every execution shall be made in a room~~
12 ~~entirely cut off from view of all except those permitted by law to be in said room.~~
13 The method of execution shall be chosen by the secretary of the department based
14 upon the ability of the department to administer the lethal injection or conduct the
15 execution by electrocutation.

16 C. Every sentence of death imposed in this state shall be executed at the
17 Louisiana State Penitentiary at Angola. Every execution shall be made in a room
18 entirely cut off from view of all except those permitted by law to be in that room.

19 ~~C.D.~~ No licensed health care professional shall be compelled to administer
20 a lethal injection.

21 ~~D.E.~~ The provisions of the Administrative Procedure Act, R.S. 49:950, et
22 seq., shall not apply to the procedures and policies concerning the process for
23 implementing a sentence of death.

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. 328

Abstract: Provides that electrocutation or lethal injection are permissible forms of execution.

Present law provides that every sentence of death executed on or after September 15, 1991, shall be by lethal injection, which is the intravenous injection of a substance or substances in a lethal quantity into the body of a person convicted until such person is dead.

Proposed law retains lethal injection as a form of execution, but also authorizes electrocution as a form of execution for any execution ordered after August 1, 2014.

Proposed law further provides that the method of execution shall be chosen by the secretary of the department based upon the ability to perform the execution.

(Amends R.S. 15:569)