

Regular Session, 2014

HOUSE BILL NO. 328

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides for confidentiality of information relating to the execution of a death sentence

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(8) and to enact R.S. 15:569(E), relative to execution
3 of a death sentence; to provide with respect to the confidentiality of information
4 involving the manufacturing and compounding of a lethal injection; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:569(E) is hereby enacted to read as follows:

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

9 * * *

10 E. The name, address, qualifications, and other identifying information of
11 any person or entity that manufactures, compounds, prescribes, dispenses, supplies,
12 or administers the drugs or supplies utilized in an execution shall be confidential,
13 shall not be subject to disclosure, and shall not be admissible as evidence or
14 discoverable in any action of any kind in any court or before any tribunal, board,
15 agency, or person. The same confidentiality and protection shall also apply to any
16 person who participates in an execution or performs any ancillary function related
17 to an execution and shall include information contained in any department records,
18 including electronic records, that would identify any such person.

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

2 §4.1. Exceptions

3 * * *

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

9 * * *

10 (8) R.S. 15:242, 440.6, 477.2, 549, 569(E), 570(F), 574.12, 578.1, 616, 660,
11 840.1, 1176, 1204.1, 1507, 1614

12 * * *

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 for confidentiality of information related to the execution of a death sentence.

Present law provides for the manner of execution of a death sentence.

Proposed law retains present law.

Proposed law provides that the name, address, qualifications, and other identifying information of any person or entity that manufactures, compounds, prescribes, dispenses, supplies, or administers the drugs or supplies utilized in an execution shall be confidential, shall not be subject to disclosure, and shall not be admissible as evidence or discoverable in any action of any kind. Provides that the same confidentiality applies to any person who participates in an execution or performs any ancillary function related to an execution and shall include information contained in any department records, including electronic records, that would identify any such person.

Present law (Public Records Law, R.S. 44:1 et seq.) defines "public record" and establishes a framework for the ready availability of public records to requesting persons. Provides for certain exceptions, exemptions, and limitations. Specifies that any exception, exemption, or limitation to the laws pertaining to public records not provided for in the Public Records Law or in the constitution shall have no effect.

Proposed law retains present law and adds a reference to the exception provided by proposed law in the Public Records Law.

(Amends R.S. 44:4.1(B)(8); Adds R.S. 15:569(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Deleted all references to death by electrocution.
2. Added provisions for the confidentiality of the identity of persons supplying drugs for a lethal injection and of persons participating in or performing an execution.

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill.

1. Adds a reference to proposed law in the Public Records Law.
2. Clarifies that the confidentiality provided in proposed law does apply to information contained in department records.