

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

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

DIGEST

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.

Proposed law provides that the Department of Public Safety and Corrections will keep a record of the following for the purpose of review and evaluation of executions:

- (1) All contacts and attempted contacts made with potential drug suppliers including but not limited to pharmacies, hospitals, manufacturers, and other state department of corrections.
- (2) Information regarding the drugs used in the executions including but not limited to when they were obtained, who manufactured them, their strengths and composition, records of any tests performed on the drugs, where they are stored, and their expiration date.
- (3) A record of all costs and payments associated with the purchase of lethal injection drugs.

Present law provides that no out-of-state pharmacy providing pharmacy services to residents of this state shall open, establish, operate, or maintain a pharmacy located out-of-state unless the pharmacy is issued a permit by the board.

Proposed law provides that this requirement will not apply to an out-of-state pharmacy, licensed and in good standing in the state in which it is located, providing pharmacy services to the secretary of the Department of Public Safety and Corrections related to an execution order issued in accordance with present law.

Present law provides that a pharmacy located outside this state which does business in this state will hold a current pharmacy permit as provided in present law. The pharmacy will be designated a "nonresident pharmacy" and the permit will be designated a "nonresident pharmacy permit".

Proposed law provides that this requirement will not apply to an out-of-state pharmacy, licensed and in good standing in the state in which it is located, providing pharmacy services to the secretary of the Department of Public Safety and Corrections related to an execution order issued in accordance with present law.

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. 37:1221(B) and 1232(A) and 44:4.1(B)(8); adds R.S. 15:569(E) and 569.2)

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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Adds exceptions to present law for out-of-state pharmacies.
2. Adds provisions relative to maintaining certain records by the Department of Public Safety and Corrections.