

2025 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVE MUSCARELLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to procedures in capital cases

## 1 AN ACT

2 To amend and reenact R.S. 15:567(B) and (C) and 570(A)(5) and (6) and (D) and to repeal  
3 R.S. 15:569.1, relative to the execution of a death sentence; to provide relative to  
4 conditions precedent to the execution of a death sentence; to provide relative to the  
5 date of execution of a death sentence; to provide with respect to the witnesses present  
6 at the execution of a death sentence; to provide for the times during which death  
7 sentences shall be executed; to provide for an effective date; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:567(B) and (C) and 570(A)(5) and (6) and (D) are hereby  
11 amended and reenacted to read as follows:

12 §567. Conditions precedent to execution

13 \* \* \*

14 B. The court of original jurisdiction shall also issue a warrant commanding  
15 the secretary to cause the execution of the person condemned as provided by law.  
16 The warrant shall specify the date upon which the person condemned shall be put to  
17 death, which date shall be not less than sixty days nor more than ninety days from  
18 the date the warrant is issued. The sheriff shall serve the warrant upon the secretary  
19 pursuant to Code of Civil Procedure Article 1314. Upon receipt of the warrant the  
20 secretary shall cause a copy of the warrant to be delivered to the person condemned.

1 A certified copy of the warrant shall be mailed, return receipt requested, to the  
2 governor and the return receipt filed in the record.

3 C. If any federal or Louisiana court grants a stay of execution, or if the  
4 governor of Louisiana grants a reprieve that necessitates a reset of the execution date,  
5 the trial court shall issue an order to reset the execution date at not less than thirty  
6 days nor more than forty-five days from within thirty days of either the dissolution  
7 of the stay order; or the termination or expiration of the reprieve. The trial court  
8 shall reset the execution date to not less than thirty days nor more than forty-five  
9 days from the date of issuance of the order. However, when a federal or state court  
10 grants a stay of execution that is dissolved or vacated prior to the expiration of the  
11 time period set forth in R.S. 15:570(D), the execution may proceed on the date  
12 originally fixed.

13 \* \* \*

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

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

17 \* \* \*

18 (5) A ~~priest or minister of the gospel~~ spiritual advisor, if the convict so  
19 requests it.

20 (6) ~~Not less than five nor more than seven other~~ Other witnesses as  
21 determined by the secretary of the Department of Public Safety and Corrections.

22 \* \* \*

23 D. ~~Notwithstanding any other provision of law to the contrary, every~~  
24 ~~execution of the death~~ Every sentence of death imposed in this state shall take place  
25 be executed between the hours of ~~6:00 p.m.~~ 4:00 p.m. and 9:00 p.m. upon the date set  
26 for the execution by the court of original jurisdiction.

27 \* \* \*

28 Section 2. R.S. 15:569.1 is hereby repealed in its entirety.

1           Section 3. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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#### 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)]

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HB 394 Engrossed

2025 Regular Session

Muscarello

**Abstract:** Provides for procedures in capital cases.

Present law (R.S. 15:567) provides for conditions precedent to the execution of a sentence of death.

Proposed law retains present law.

Present law (R.S. 15:567(B)) provides for the issuance and delivery of a warrant commanding the secretary of the Dept. of Public Safety and Corrections (DPS&C) to cause the execution of the person sentenced to death.

Proposed law retains present law and provides that the sheriff shall serve the warrant upon the secretary pursuant to present law (C.C.P. Art. 1314).

Present law (R.S. 15:567(C)) provides that if any federal or La. court grants a stay of execution, or if the governor of La. grants a reprieve, the trial court shall reset the execution date not less than 30 days nor more than 45 days from the dissolution of the stay order, or termination or expiration of the reprieve.

Proposed law amends present law to provide that if the governor grants a reprieve that necessitates a reset of the execution date, the court shall issue an order to reset the execution date within 30 days of either the dissolution of the stay order or the termination or expiration of the reprieve.

Proposed law provides that the trial court shall reset the execution date to not less than 30 days nor more than 45 days from the date of issuance of the order. Further provides that when a federal or state court grants a stay of execution that is dissolved or vacated prior to the expiration of the time period set forth in present law (R.S. 15:570(D)), the execution may proceed on the date originally fixed.

Present law (R.S. 15:570) provides for the execution of a sentence of death.

Proposed law retains present law.

Present law (R.S. 15:570(A)) provides for a list of individuals who shall be present for every execution of the death sentence as follows:

- (1) The warden of the La. State Penitentiary at Angola, or a competent person selected by him.

- (2) The coroner of the parish of West Feliciana, or his deputy.
- (3) A physician summoned by the warden of the La. State Penitentiary at Angola.
- (4) A competent person selected by the warden of the La. State Penitentiary at Angola to carry out the authorized execution method.
- (5) A priest or minister of the gospel, if the convict so requests it.
- (6) Not less than five nor more than seven other witnesses.

Proposed law amends present law to provide for the presence of a spiritual advisor rather than a priest or minister of the gospel.

Proposed law amends present law to provide for the presence of other witnesses as determined by the secretary of the DPS&C rather than a minimum of five and a maximum of seven witness.

Present law (R.S. 15:570(D)) provides that every execution of the death sentence shall take place between the hours of 6:00 p.m. and 9:00 p.m.

Proposed law amends present law to change the beginning time from 6:00 p.m. to 4:00 p.m. Further provides that every sentence of death imposed in this state shall be executed upon the date set for the execution by the court of original jurisdiction.

Present law (R.S. 15:569.1) provides that every sentence of death imposed in this state shall be executed between the hours of 6:00 p.m. and 9:00 p.m. upon the date set for the execution by the court of original jurisdiction.

Proposed law repeals present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:567(B) and (C) and 570(A)(5) and (6) and (D); Repeals R.S. 15:569.1)