
DIGEST

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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)