

2025 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVE MUSCARELLO AND SENATORS BARROW AND HODGES

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§567. Conditions precedent to execution

\* \* \*

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

29 Section 3. This Act shall become effective upon signature by the governor or, if not  
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_