

2019 Regular Session

HOUSE BILL NO. 258

BY REPRESENTATIVE MUSCARELLO

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

PUBLIC RECORDS: Provides for the confidentiality of identifying information of certain persons or entities involved in the execution of a death sentence

1 AN ACT

2 To amend and reenact R.S. 15:570(G) and R.S. 44:4.1(B)(8), relative to the execution of a
3 death sentence; to provide for the confidentiality of identifying information of any
4 person or entity that manufactures, supplies, transports, procures, compounds,
5 dispenses, or prescribes any substance, medical supplies, or medical equipment
6 utilized in the execution of a death sentence; to provide that the identifying
7 information of such persons or entities shall remain confidential, not be subject to
8 disclosure, and not be admissible as evidence nor discoverable in any proceeding;
9 to provide an exception to the Public Records Law for such purposes; and to provide
10 for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:570(G) is hereby amended and reenacted to read as follows:

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

15 * * *

16 G.(1) The identity of any persons other than the persons specified in
17 Subsection F of this Section who participate or perform ancillary functions in an
18 execution of the death sentence, either directly or indirectly, shall remain strictly
19 confidential and the identities of those persons and information about those persons
20 which could lead to the determination of the identities of those persons shall not be

1 subject to public disclosure in any manner. Any information contained in records
2 that could identify any person other than the persons specified in Subsection F of this
3 Section shall remain confidential, shall not be subject to disclosure, and shall not be
4 admissible as evidence nor discoverable in any proceeding before any court, tribunal,
5 board, agency, or person.

6 (2)(a) The identity of any person or entity that manufactures, supplies,
7 transports, procures, compounds, dispenses, or prescribes any substance, medical
8 supplies, or medical equipment utilized in the execution of a death sentence shall
9 remain strictly confidential. The identity of such person or entity, and any
10 information about such person or entity which could lead to the determination of the
11 person's or entity's identity, shall not be subject to public disclosure in any manner.
12 Any information contained in records that could identify any such person or entity
13 shall remain confidential, shall not be subject to disclosure, and shall not be
14 admissible as evidence nor discoverable in any proceeding before any court, tribunal,
15 board, agency, or person.

16 (b) For purposes of this Paragraph, a person or entity that manufactures,
17 supplies, transports, procures, compounds, dispenses, or prescribes any substance,
18 medical supplies, or medical equipment utilized in the execution of a death sentence
19 includes but is not limited to any pharmacist, pharmacy, wholesale drug distributor,
20 or outsourcing facility, including any officer or employee of such pharmacy,
21 wholesale drug distributor, or outsourcing facility, that supplies any substance,
22 medical supplies, or medical equipment to the Department of Public Safety and
23 Corrections for use in the execution of a death sentence.

24 * * *

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

26 §4.1. Exceptions

27 * * *

28 B. The legislature further recognizes that there exist exceptions, exemptions,
29 and limitations to the laws pertaining to public records throughout the revised

shall be made public. Present law identifies this present law provision as an exception to the present Public Records Law.

Present law provides that the identity of any other person who participates or performs ancillary functions in an execution of the death sentence, either directly or indirectly, shall remain strictly confidential and shall not be subject to public disclosure in any manner.

Proposed law retains present law and adds that the identity, and information that could lead to the identity, of any person or entity that manufactures, supplies, transports, procures, compounds, dispenses, or prescribes any substance, medical supplies, or medical equipment utilized in the execution of a death sentence shall remain strictly confidential, shall not be subject to public disclosure in any manner, and shall not be admissible as evidence nor discoverable in any proceeding before any court, tribunal, board, agency, or person.

Proposed law amends exceptions to present law (Public Records Law) to include proposed law as an exception.

(Amends R.S. 15:570(G) and R.S. 44:4.1(B)(8))