HLS 19RS-642 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 258

1

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

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

Page 1 of 4

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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

statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * * *

(8) R.S. 15:242, 440.6, 477.2, 549, 570(F) and (G), 574.12, 578.1, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507, 1614

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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)]

HB 258 Original

2019 Regular Session

Muscarello

Abstract: Provides for the confidentiality of identifying information 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.

<u>Present law</u> requires the secretary of the Dept. of Public Safety and Corrections, or a competent person selected by him, to execute an offender who is sentenced to death in conformity with the death warrant issued in the case.

<u>Present law</u> further provides that every sentence of death executed on or after Sept. 15, 1991, shall be by lethal injection which is the intravenous injection of a substance or substances in a lethal quantity into the body of a person until such person is dead.

<u>Present law</u> provides that every execution of the death sentence shall take place in the presence of the following:

- (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 to administer the lethal injection.
- (5) A priest or minister of the gospel, if the person sentenced to death so requests it.
- (6) Not less than five nor more than seven other witnesses.

<u>Present law</u> further authorizes two of the victim's family members, including any parent, guardian, spouse, or adult child, to be present and witness the execution.

<u>Present law</u> provides that only the identities of those persons listed in Paragraphs (1), (2), (5), and (6) above, and the family members of the victim who are present at the execution

Page 3 of 4

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

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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.

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

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